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1603–1642

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HISTORY OF ENGLAND

FROM THE

ACCESSION OF JAMES I.

TO

THE OUTBREAK OF THE CIVIL WAR

1603–1642

BY

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IN TEN VOLUMES

VOL. II.

1607–1616

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PREFACE

TO

THE SECOND VOLUME.

THE transcripts of Spanish despatches which Mr. COSENS has kindly allowed me to use have been found to be even more valuable than I had expected, and have enabled me to add considerably to my knowledge of the relations between the King and the Spanish Government. My own copies taken at Simancas, with some others from various sources, have been deposited in the Museum Library, and will be found in *Additional MSS.* 31,111–2.

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HISTORY OF ENGLAND.

CHAPTER XI.

THE NEW IMPOSITIONS AND THE TRUCE OF ANTWERP.

THE troubles in Ireland were a constant drain on the English Exchequer, which was by no means in a condition to meet unusual demands.[1] Those who were entrusted with the administration of the finances had therefore long been anxiously looking about for a new source of revenue, and, at the time of the flight of the Earls, circumstances seemed to offer them the resource which they needed.

1607. Financial difficulties.

That resource, indeed, was not one of which a statesman of the highest order would have availed himself. In the fourteenth century, the Crown, in consequence of pressure from the House of Commons, had abandoned the practice of levying customs and duties without Parliamentary consent. Mary had, however, revived it to a small extent, and Elizabeth had followed in her steps.

In 1575, she granted a patent to Acerbo Velutelli, a native of Lucca, giving him the sole right of importing into England currants and oil from the Venetian territories. On the strength of this he exacted fines for licences to trade in those

[1] In the year ending at Michaelmas, 1607, the money sent over to Ireland was 34,000*l.* In the three following years the amounts were 98,000*l.*, 71,000*l.*, and 66,000*l.*

15

articles from both English and foreign merchants. The Venetians, dissatisfied that their merchants should be compelled to pay Velutelli for permission to carry their own products to England, set a duty of 5*s.* 6*d.* per cwt. on currants exported in other than Venetian bottoms, with corresponding duties on oil and wine. At the request of the English merchants, a similar impost was laid by Elizabeth on these products when landed in England from foreign vessels.[1]

Velutelli's monopoly.

Not long afterwards Velutelli's patent was cancelled, and a fresh one was granted to a few English merchants, who were formed into a company, having the monopoly of the Venetian trade. The duty on currants imported in foreign vessels was thus changed into a total prohibition. This patent expired in 1591, and an imposition was then laid upon the articles in question, whether imported in English or in foreign ships. After due deliberation, however, this plan was abandoned, and a new Company was formed, in which the merchants trading with Venice were incorporated with an equally small company trading with Turkey, under the title of the 'Levant Company.'[2] In the course of the year 1600, complaints were made that this company had exceeded its powers. On the strength of its power to license persons to carry on the trade, to the exclusion of all others, it had allowed, as Velutelli had done before, merchants who were not members of the company to import currants, on condition of a payment of 5*s.* 6*d.* per cwt. It was represented to the Queen that she had never intended that a few Londoners should virtually levy customs for their own profit, and that to allow such proceedings to pass unnoticed would derogate from the honour of her crown. The question thus mooted was never decided. The Government, taking advantage of a technical flaw in the Company's charter, pronounced it to have been null and void from the beginning.

The Venetian Company.

The first Levant Company.

1600.

[1] Statement by the Levant Company, Feb. 1604. Observations on two special grievances, Nov. 1604, *S. P. Dom.* vi. 69, and x. 27.

[2] The patent is printed in Hakluyt (ed. 1599), ii. 295. See also *Cott. MSS.* Tit. F. iv. fol. 232; and Fleming's judgment, *State Trials*, ii. 391.

As soon as this was known, the Queen was pressed by many merchants who were not members of the company to throw the trade open. They declared that they were not only willing to support the ambassador at Constantinople, and the consuls at the other ports of the Levant, at an annual cost of 6,000*l.*[1] but that they were ready, in addition to these expenses, to pay to the Queen the duty of 5*s.* 6*d.* per cwt. which had been exacted from them by the monopolists.

Its charter resumed.

The Queen, however, preferred bargaining with the old company, and granted to it a new charter, by which its monopoly was confirmed, on condition of a yearly payment of 4,000*l.*

A new charter granted,

During the few remaining years of Elizabeth's reign the Levant trade was unprosperous. The Venetians put new restrictions upon the export of currants, in order to favour their own navigation. The rise of the direct trade with India was already beginning to exercise a deleterious influence upon the commerce of Turkey. Consequently when, soon after the accession of James, the proclamation against monopolies was issued, the company appeared at the council-table and surrendered its charter, confessing it to be a monopoly. In return, it was excused the payment of arrears amounting to the sum of 2,000*l.*

which is surrendered as a monopoly. 1603.

The forfeiture of the charter caused a deficiency in the King's revenue which he could not well afford. It was only natural that, the trade being now open, the Council should revert to the imposition which had been before levied, either by the Crown or by the company itself. They could hardly expect much opposition from the merchants. Of those who had not been members of the company, many had, in 1600, expressed their readiness to pay the duty; and those who had been members had for many years exacted the payment for their own profit. That the Crown had no need to obtain the consent of Parliament, there could be little doubt, according to the notions which at

Imposition upon currants.

[1] The sum is given in the Petition of the Levant Company, Nov. 1604, *S. P. Dom.* x. 23.

that time prevailed in official quarters. The Exchequer had long been in the habit of receiving money paid in on account of similar impositions, and nearly half a century had passed since the slightest question had been raised of their legality. But before proceeding further, the Government determined to take a legal opinion. That opinion being favourable, the Lord Treasurer was directed to reimpose the former duties.[1]

There was no intention, on the part of the Government, of pressing hardly upon the merchants. It was customary, instead of paying duties of this kind immediately upon the landing of the goods, to give bonds that the money would be forthcoming after a certain interval of time. Nearly a year passed, and the payments due upon the bonds which had been given had not been made. The Lord Treasurer was met by objections, and declarations of inability to pay.[2] Upon this, in November, 1604, the whole subject was taken once more into consideration,[3] and a discharge was granted to the merchants of the whole of their arrears, estimated at about 6,000*l.*, upon the understanding that, in future, the imposition would be paid.

1604. Arrears forgiven.

In 1605 the state of the Levant trade was again under the notice of the Government. Though the monopoly had ceased, the old company still continued to trade as a private association. Under its altered circumstances, however, its members were no longer able to support the ambassador and the consuls. Debts had been incurred in the East, and fears were entertained lest the Turkish authorities should seize the buildings and other property of the society.[4] The merchants requested Salisbury to obtain for them the re-establishment of the company on a new footing; and, after receiving from Popham an assurance

1605. Re-establishment of the Levant Company on a new footing.

[1] Council to Dorset, Oct. 31, 1603, *S. P. Dom.* iv. 46.

[2] Docquet of letter, July 23, 1604, *S. P. Docq.*

[3] Docquet of discharge, Nov. 10, 1604, *S. P. Docq.*

Petition of the Levant Merchants, July. R. Stapers to Salisbury, July 8, *S. P. Dom.* xv. 3 and 4. "If," Salisbury wrote, "there might be some project only to incorporate all merchants (that are the King's subjects), without any such injurious exclusion as it was before, then all such

that no legal objection stood in his way, he procured from the King a patent by which a new open company was constituted, in which all who paid the subscription might take part, and which was to be possessed of the exclusive right of trading to the Levant. In order that the new association might start fairly, the King directed that the sum of 5,322*l.*, being the amount which he was to receive in one year from the farmers to whom the imposition on currants had been lately let, should be handed over to the company as a free gift. With this they would be able to defray the expenses of the present which it was customary to offer to the Sultan at certain intervals of time.[1]

The Councillors probably hoped that they had now heard the last of the Levant Company. In the course of two years and a half, they had either given or remitted to the merchants no less than 13,322*l.* They were, however, soon undeceived. Not long after the new arrangement had been made, John Bate, one of the members of the company, asked his servant to drive away from the waterside a cartful of currants before it had been examined by the officer of the customs. Bate was immediately summoned before the Council, and declared that his servant had acted by his instructions, which he had given because he believed the imposition to be illegal.[2] He was committed to the Marshalsea for contempt of the King's officers. The Government, however, was anxious that the question which had been raised should be set at rest, and decided upon bringing the case formally before the Court of Exchequer.

1606. Bate resists payment of the imposition.

Meanwhile, the merchants appealed to the House of Commons. The Commons at once inserted in the Petition of Grievances, which they presented at the end of the session

inconveniences might be provided for, and yet no wrong done to the liberty of any other subject. For I would have it to be open to all men to trade that would into all places; neither should there be any privilege for sole bringing in of any commodity, as it was before."—Salisbury to Popham, Sept. 8, *S. P. Dom.* xv. 54.

[1] Warrant, Dec., 13. 1605, *S. P. Dom.* xvii. 35.

[2] Memoranda, April 11, *S. P. Dom.* xx. 25.

following the Gunpowder Plot, a request that the impositions might cease to be levied, on the ground that no such duty could be legally demanded without the consent of Parliament. A similar statement was made with respect to a high duty of *6s. 8d.* per lb.[1] laid on tobacco by James, who thus sought to express his feelings with regard to what was, in his opinion, a most deleterious drug.

The merchants petition the House of Commons.

A few days before Parliament met, in November, 1606, the case was brought to an issue in the Court of Exchequer, and James was able to declare that his action had received the approval of the judges. By an unanimous decision of the four Barons of the Exchequer, Bate was called upon to pay the duty on the currants which had been landed in his name; and the doctrine, that the King was entitled by his sole prerogative to levy impositions upon the imports and exports, was declared to be in accordance with the law of the land. The pleadings in the case have not been handed down to us, and of the judgments only two, those of Clarke and Fleming, have been preserved. Their decision has been received by posterity with universal disfavour. Lawyers and statesmen have been unanimous in condemning it. Those who have tried it by the technical rules which prevail in the courts have pronounced it to have violated those rules openly. Those who have examined it from the point of view of political and constitutional expediency, have unhesitatingly declared that it is based on principles which would lead to the extinction of English liberty. In 1610 the decision of the court was subjected to a long and sifting examination, and the superiority in argument was decidedly on the side of those who took the popular view of the subject.

Bate's case in the Court of Exchequer.

At the present day, it is happily an understood rule that members of the Government shall not use their personal influence with the judges who are called on to decide a question in which the Government is interested. In the reign of James I., the line between executive

Relations between the Judges and the Crown.

[1] *Rymer*, xvi. 601.

and judicial functions was not as clearly drawn as it now is. Every Privy Councillor sat in judgment in the Court of Star Chamber. The Lord Treasurer was himself a member of the Court of Exchequer, though he was not accustomed to deliver a judicial opinion. On this occasion Dorset had an interview with the judges before the cause was argued,[1] apparently to inquire whether they would not think it better to deliver their judgments without assigning any reasons for them. It is evident from his letter that even if he had been inclined to put a pressure upon them, he had no object in doing so, as their opinions entirely coincided with his own. The King, he wrote, might be 'assured that the judgment of the Barons' would be 'clear and certain on his side, not only to please His Majesty, but even to please God himself, for in their conscience the law stands for the King.'[2]

Salisbury, too, appears from his letters on the subject of the impositions,[3] and on other similar questions, to have been

[1] "I sent for my Lord Chief Baron early in the morning, and had conference with him according to the contents of your letter, and afterwards in the Court I had like conference with the rest of the Barons; but they all are confident and clear of opinion that as their judgments are resolute for the King, so, nevertheless, in a cause of so great importance as this is, and so divulged in the popular mind as it now stands, and being most likely that the merchants will, notwithstanding the judgment of the Barons, yet pursue their writ of error, they all, I say, are absolute of opinion that before they give judgment it is most fit and convenient that the Barons who are to give judgment shall in like sort argue it, and so to give reasons of their judgment, which being so done and reported, it will be for ever a settled and an assured foundation for the King's impositions for ever; and thereby also, if they should bring their writ of error, the judgment will stand so much the more firm and strong against them; where not only the judges are to give their judgment, but also do show the ground and reason of their judgment; whereas contrarywise certainly the adversary will give forth that judgment is given without ground, and only to please the King's Majesty. And for my part I am confident of that mind, and that the suppressing of arguments in the Barons, notwithstanding all the judgment in the world, will yet leave the world nothing well satisfied."—Dorset to Salisbury, Nov. 1606, *Hatfield MSS.* 118, fol. 144.

[2] *Ibid.*

[3] See especially Salisbury to Popham, Sept. 8, 1605, *S. P. Dom.* xiii. 54.

most anxious on all occasions to keep within the bounds of the law. Nor is there any reason to suppose that the judges were influenced by the fear of dismissal. As yet, though in theory they held their offices during the good pleasure of the Sovereign, they were able to regard them as permanently their own. Since the accession of Elizabeth not a single case had occurred of a judge being dismissed for political reasons.[1] Startling as their opinions now seem, they were not so regarded at the time by unprejudiced persons. Hakewill, who was present at the trial, and who afterwards delivered in the House of Commons one of the ablest speeches on the popular side, confessed that at the time when he was listening to the judgments he had been perfectly satisfied with the arguments which he heard.[2] Coke, too, declared that, at all events in this particular case, the Government had the law on its side.[3] Finally, the House of Commons itself, upon receiving information from the King that judgment had been given in his favour, acquiesced in the decision, and, for a time at least, thought no more about the matter.

The judges not intimidated or corrupted.

A little consideration will make it less difficult to understand the feelings by which the judges were in reality influenced. They had been accustomed during the greater part of their lives to see the collection of similar impositions going on as a matter of course,[4] and they would naturally go to their law books, impressed with the idea that Bate was attempting to establish a novel claim against the Crown. It must be remembered that the men who were selected to be judges would invariably be such as were disposed to be friendly to the prerogative. When they were once upon the Bench, their habits of life and their position as officers of the Crown would be certain to lead them imperceptibly to share

Causes by which they were influenced.

[1] There is a doubt whether Chief Baron Manwood was actually deposed in 1572. If he was, it was upon complaint of gross misconduct in his office. Foss, *Judges*, v. 321.

[2] *State Trials*, ii. 404. [3] *Rep.* xii. 33.

[4] On the other hand, the judges before whom the question was brought at the beginning of Elizabeth's reign had not been accustomed to see impositions collected.

the views of the Government on questions of this kind. As soon as they looked to precedents, they would find that all existing impositions had sprung up in the last two reigns. Up to the accession of Mary, none had been levied since the time of Richard II. Important as this intermission would appear to a statesman, it was not likely to be regarded by a lawyer as being of any great consequence. The only question for him would be whether the prerogative in dispute had been detached from the Crown by any means which the law was bound to recognise. That it had been so detached by Act of Parliament there can be no reasonable doubt whatever. But it must be acknowledged that it is difficult to lay our hands on more than one or two statutes the language of which is so explicit as not to admit of being explained away, and that even these are open to the objections of men who had come to a foregone conclusion before they read them. Our ancestors in the thirteenth and fourteenth centuries were not careful to lay down general principles, and generally contented themselves with stipulations that no duties should be laid upon the wools, woolfells, and leather, which were at that time the favourite objects of the King's rapacity.

If indeed the judges had looked upon the history of those times as we are able to do, they would have perceived at a glance that such objections were utterly unworthy of attention. They would have seen the English constitution marching steadily onwards under the influence of a great principle, and they would have interpreted every verbal difficulty in accordance with the law by which the progress of the nation was governed. But these things were hidden from them. They had been brought up under a different system from that under which England had grown in vigour in the days of the Plantagenets, and they required strict and unimpeachable evidence that the King did not still retain all that had once been his. Even the fact that the early kings had been accustomed continually to violate the law, and had so made it necessary that new statutes should be from time to time enacted in order to keep them under restraint, was dealt with by the judges as if it had been evidence in favour of the

Arguments from historical precedents,

Crown. Instead of regarding such acts as struggles against the power of the law, they fancied that they perceived that the King had been aware that the law was on his side, but that he had allowed himself to be bought off by yielding some of his rights in return for a considerable subsidy.[1] They were encouraged in this mistake by an idea that there had been in those times some definite system of constitutional law acknowledged by both parties, so that they were led to look upon the bargains into which the Commons frequently entered as if they had contained an acknowledgment of the rights claimed by the Crown.

and from constitutional theory.

Nor were the arguments which Fleming based upon political reasoning less characteristic of opinions which were soon to become obsolete, excepting in the immediate neighbourhood of the Sovereign. He held, as all the Royalist statesmen held during the reigns of the first two Stuart Kings, that, in addition to the ordinary power, the King was possessed of an absolute authority, which he might exercise whenever he saw fit, for the general safety of the Commonwealth. He was especially entitled to use his discretion on all questions arising with foreign states: he might conclude treaties and declare war; he might regulate commerce and watch over the admission of foreign coin into the realm. It would, however, be impossible for him to provide for the regulation of commerce, unless the power of laying impositions were conceded to him. It was true that he could not lay any tax upon his subjects, or upon any commodity within the realm without the consent of Parliament, but this did not affect his right to lay duties upon imported goods, which were to be considered as being the property of foreigners until they were actually landed in England. It might safely be left to the King's wisdom to judge whether his subjects would be injured by the duties which he imposed, just as it was left to his wisdom to determine what felons might be safely pardoned.

[1] Clarke's argument that Edward III., in giving his assent to one of these statutes, did not bind his successors, is outrageous. There is nothing of this kind in Fleming's judgment

Such as it was, this reasoning was sufficiently in accordance with the ideas then prevalent to impose upon the House of Commons. When Parliament met, not a single voice was raised against the King's refusal to remove the imposition on currants and tobacco. These duties continued to be levied without difficulty. In 1607, when the troubles in Ulster increased the expenses of the Crown, Dorset proposed to raise money by fresh impositions, but was persuaded to substitute a new loan.

The Commons admit the reasoning.

When the news of O'Dogherty's rebellion arrived, the Lord Treasurer was no more. On April 19, 1608, the very day on which English and Irish were struggling for the mastery within the walls of Derry, Dorset died suddenly in his place at the council table. After the shortest possible delay, Salisbury was appointed to the vacant office. He took upon himself the burden of the disordered finances, without relinquishing the Secretaryship. Northampton, who was his only possible rival, was compensated by promotion to the post of Lord Privy Seal, a position which brought an increase to his income, if it did not carry with it much additional political influence.

1608. Death of Dorset. He is succeeded by Salisbury.

Northampton Privy Seal.

Salisbury's appointment gave satisfaction to all who had not profited by the previous confusion.[1] It was generally expected that under his able management great changes would take place.

The debt at this time was not much less than 1,000,000*l.*[2] It was plain that the King's finances could not long continue in such a state without the most disastrous results : yet it was only too probable that if Parliament were called together, it would refuse to vote another subsidy till the whole of the existing grant had been levied, which would not be till the spring of 1610.

For some months before Dorset's death, the Council had been busily employed in an attempt to meet the growing

[1] Neville to Winwood, May 8, *Winw.* iii. 398.

[2] Account of the King's debts, Jan. 8, 1610, *S. P. Dom.* liii. 6.

demands on the Treasury. James, knowing how hard it was to impose restrictions upon his own prodigal liberality, had called on his council to draw up rules to cure the distemper which wasted his resources, and especially to warn him when suitors applied for gifts who had already received enough to satisfy them. "For since," he wrote "there are so many gapers, and so little to be spared, I must needs answer those that are so diseased with the *boulimie*,[1] or *caninus appetitus*, as a King of France did long ago answer one, *Cecy sera pour un autre*."[2]

1607. Financial difficulties.

It was time that something should be done. During the year ending at Michaelmas 1607, the expenditure had risen to the amount of 500,000*l.* Such a sum was scarcely less than that which Elizabeth had required in the days when all Ireland was in rebellion, and when England was still at war with Spain. James's ordinary revenue at this time hardly exceeded 320,000*l.*, and even with the addition of the money derived from the recent Parliamentary grant it only reached 427,000*l.*, leaving a deficiency of 73,000*l.*, to be met by loans or by the sale of Crown property.[3]

Under these circumstances, Salisbury, soon after his entrance on his new office, determined to avail himself of the resources which had been so temptingly offered to him by the recent judgment in the Exchequer, and, without obtaining Parliamentary consent, to lay impositions on merchandise, in addition to the customs granted in the Tonnage and Poundage Act. In order that the new impositions might be as little burdensome as possible, the Treasurer summoned a meeting, at which the principal merchants of the City were present, as well as several of the officers of the Custom House. The result of their deliberations was an order for the collection of new duties, accompanied by a book of rates,[4] which was published on

1608. New impositions.

Meeting of merchants.

[1] *βουλιμία.*

[2] The King to the Council, Oct. 19, *Hatfield MSS.* 134, fol. 113.

[3] See the tables in the Appendix at the end of the work, and the Pells Declarations in the *R. O.*

[4] A book of rates was ordinarily issued, because the poundage granted

July 28. Care was taken to lay the new duties as much as possible either upon articles of luxury, or upon such foreign manufactures as entered into competition with the productions of English industry. On the other hand, some of the existing duties, which were considered by the merchants to be too high, were lowered. Amongst these, the imposts on currants and tobacco were considerably reduced.[1]

The produce of these impositions was estimated at 70,000*l*.[2] Having thus obtained an augmentation of revenue, Salisbury proceeded to deal with the debt. Every possible effort was made to bring money into the Exchequer. The payment of debts due to the Crown was enforced, lands were sold, and the officials were required to be more vigilant than ever in demanding the full acquittal of all payments to which the King could lay claim. Something, too, was brought in by an aid, which, after the old feudal precedent, was levied for the knighting of Prince Henry. By these and similar measures, which must often have been felt to be extremely severe, Salisbury contrived to pay off 700,000*l*., leaving at the commencement of 1610 a sum of 300,000*l*. still unpaid.[3]

Reduction of the debt.

Still the difficulty of meeting the current expenditure continued to make itself felt. Such had been the exertions of Salisbury, that, at the beginning of 1610, it was calculated that the ordinary income derived from non-Parliamentary sources which, four years previously, had been only 315,000*l*., had reached the amount of 460,000*l*. This sum, though it would have been more than ample for the wants of Elizabeth, was too little for James. His regular

Standing deficit.

in Parliament was one shilling upon every 20*s*. value of goods. The Crown was left to fix the amount of weight, &c., supposed on an average to be worth 20*s*. Some writers speak as if the mere issuing of a book of rates were unconstitutional.

[1] *Parl. Deb.* in 1610 (Camden Society), p. 155, and Introduction, p. xviii.

[2] *Parl. Deb.* in 1610, Introduction, p. xx.

[3] Besides meeting the deficits of 1608 and 1609, amounting together to rather more than 500,000*l*. *S. P. Dom.* lii. 6.

expenses were estimated to exceed his income by 49,000*l.*, and his extraordinary annual payments were calculated to amount to at least 100,000*l.* more. Thus it had become evident, before the end of 1609, that, unless Parliament could be induced in time of peace to make up the revenue to at least 600,000*l.*, a sum considerably exceeding that which had been raised in time of war, it was only by the most unsparing retrenchment that the King would be able to avoid a hopeless bankruptcy.[1]

If Salisbury had ever entertained any hope of reducing the expenditure, that hope must long have been at an end. James, indeed, was anxious to retrench, but he was not possessed of the strength of will which alone could have enabled him to dismiss an importunate petitioner; and even if he had refrained from granting a single farthing to his favourites in addition to the sums to which he was already pledged, he would not have saved much more than a quarter of his yearly deficit. It was therefore necessary that he should reduce his household expenditure by carrying economy into his domestic arrangements, and that he should cease to squander large sums of money upon useless purchases of plate and jewels. By degrees he might also have lessened the charges upon the pension list, which had grown so enormously since his accession.[2]

1609. Difficulty of reducing the expenditure.

The most striking evidence of the want of success with

[1] *Parl. Deb.* in 1610, Introduction, pp. xiii. and xix.

[2] An examination of the records of the Exchequer will show how little truth there was in the theory which was put forward by Dorset and Salisbury alike, that James's increase of expenditure was caused by state necessity. The ordinary peace expenditure of Elizabeth in 1588–9 was, in round numbers, 222,000*l.* Add to this the 46,000*l.* which the Queen, the Princes, and the Princess cost James in 1610, and the excess of 34,000*l.* which he sent over to Ireland, and we have an amount of 302,000*l.* Add twenty per cent. for the moderate extravagance which might be permitted after Elizabeth's parsimony, and we have 362,000*l.*, leaving a surplus of 99,000*l.* from the revenue of 1610—a surplus which would have enabled the King to dispense with the new impositions altogether, and yet to keep in hand 29,000*l.*, which, added to what he would have obtained from the Great Contract, would have been far more than enough to meet all reasonable extraordinary expenses.

which James's attempts to economise were usually attended, is afforded by the results of an order which he issued in the sanguine hope of being able to put a check upon his own profusion. In May 1609, he signed a document[1] by which he entailed upon the Crown the greater part of the lands which were at that time in his possession. He engaged not to part with them without the consent of a certain number of the members of the Privy Council. A few months before he had made a declaration that in future he should refuse to grant away any portion of his revenues, excepting out of certain sources which were expressly named.[2] But this measure, admirable in itself, was insufficient to remedy the evil. James had forgotten to bind his hands, so as to prohibit himself from giving away ready money; and the consequence was, that whereas before the promulgation of the King's declaration, the courtiers who were anxious to fill their pockets usually asked for an estate, they afterwards asked directly for money. That they did not find any insuperable obstacles to contend with is shown by the fact that, although the King ceased to grant land, the free gifts paid out of the Exchequer showed no tendency to diminish.

Entail of the Crown lands.

Whilst Salisbury was thus engaged as Lord Treasurer in an apparently hopeless effort to clear away the financial embarrassments of the Crown, he was also called on as Secretary to take the lead in domestic policy and in delicate negotiations with foreign powers. At home, the difficulties caused by the increased severity of the recusancy laws continued to give trouble.

For some time indeed after the enactment of the statute requiring the oath of allegiance to be taken, the condition of the English Catholics had been better than might have been expected in the midst of the outburst of indignation which had followed the abortive plot. On July 10, 1606, James fell back upon his old plan of banishing the priests, and at the same time informed the Catholic laity that he would only regard those as disloyal who 'under pretext

July 10, 1606. Banishment of the priests.

[1] Indenture, May 8, 1609, *S. P. Dom.* xlvi.

[2] King's Declaration, Nov. 1608, *S. P. Dom.* xxxvii. 74.

of zeal,' made 'it their only object to persuade disobedience and to practise the ruin of this Church and Commonwealth.'[1]

If the oath had been freely and generally taken, it is probable that, in spite of all that had happened, the Catholics would have been not much worse off than they had been in 1605. There was, however, a difference of opinion amongst them as to the lawfulness of taking the oath. Shortly after the prorogation in 1606 a meeting was held at the house of Blackwell, the Archpriest, at which five other priests were present. Blackwell himself had at first doubted whether he might take the oath; but he finally became persuaded that he might lawfully do so, on the curious ground that as the Pope could not depose James without doing harm, it might be said, generally, that he could not do it, and if he could not do it, he certainly had no right to do it. Two of those present were convinced by this strange logic, but the three others held out. Blackwell allowed it to be publicly known that he saw no objection to the oath, but attempted, not long afterwards, to recall an opinion in which he found that he differed from the greater number of the priests.[2]

The Catholics differ as to the lawfulness of taking the oath of allegiance.

The opponents of the oath determined to refer the difficulty to Rome. Unhappily, Clement VIII. was dead, and of all men then living Paul V. was the least fitted to deal with such a question. At the death of his predecessor the College of Cardinals was divided into two bitterly opposed factions; they agreed to unite upon the name of a man who was indifferent to both. The new Pope had passed his life in retirement and study. The cardinals imagined that they had found a man who would remain isolated among his books, and would leave all political interests and emoluments to them. It was not the first time that the cardinals had elected a Pope under the influence of similar feelings. It is certain that they were never more bitterly disappointed than on this occasion: they knew that the man whom they had chosen was a student, but they had forgotten that his studies had been

The Pope consulted.

[1] Proclamation; Tierney's *Dodd.* iv. App. p. cxxxii.

[2] Mush to ——, July 11; Tierney's *Dodd.* App. p. cxxxvi.

chiefly confined to the canon law. The world in which he lived was one which had long passed away from the earth. To him all the claims of the Gregorys and the Innocents were indisputable rights, and the boldest assertions of the decretals were the fundamental axioms of Divine and human wisdom. A man of the world would have felt instinctively the change which had passed over Europe since the thirteenth century. Paul knew nothing of it. In a few months after his election, in the spring of 1605, he was flinging his denunciations broadcast over Italy, and in little more than a year he had brought himself to an open rupture with the powerful Republic of Venice.

His first step towards James had been conciliatory. As soon as he heard of the discovery of the plot, he despatched an agent to London, in order to obtain from the King some promise of better treatment for the Catholics, and to assure him of his own detestation of the attempted violence.[1] As might have been expected in the excited state in which men s minds were, these negotiations led to nothing.

July. The Pope tries to open negotiations with James,

The news of the promulgation of the new oath was calculated to raise the bitterest feelings of indignation in the mind of Paul. The denial of his right to authorise the deposition of kings struck at the authority which had often been wielded by his predecessors. All who were around him urged him to take some step against such an insolent invasion of his rights. A meeting had been held at Brussels by the English Jesuits who were in the Archduke's dominions, and they despatched two messengers to press the Pope to sustain the cause of the Church.[2]

Paul did not stand in need of much pressure on such a subject. On September 22, he issued a breve,[3] in which the

[1] Villeroi to Boderie, Aug. $\frac{10}{20}$, *Ambassades de M. de la Boderie*, i. 284.

[2] Boderie to the King of France, July $\frac{10}{20}$, *Boderie*, i. 200. Edmondes to Salisbury, Sept. 7, 1606, *S. P. Flanders.*

[3] Tierney's *Dodd.* iv. App. p. cxl.

oath was condemned, and the English Catholics were told that they could not take it without peril of their salvation. Care was, however, taken not to specify what particular clause of the oath was considered to be liable to objection.

Sept. $\frac{1}{11}$. but condemns the oath.

Before the breve arrived in England, many of the banished priests had returned to their duty, at the risk of a martyr's death. The breve itself was a declaration of war where terms of peace had been offered. Yet it was some time before James was goaded into retaliation. The Catholics were strong at Court, and James's finances were in disorder. Suffolk and his wife approached the Spanish ambassador with a proposal that his master should pay over a large sum of money to buy toleration for the Catholics.[1] Such a proposal could only delay, and not avert, the blow. The press poured forth pamphlets against the Church of Rome. James could hardly have consented to so mean a concession if he had wished, and, in fact, the Catholics themselves shrewdly suspected that the whole project was set on foot merely to fill the pockets of Suffolk and Northampton.[2] He gave orders to the judges to put the law in execution against a few priests, by way of terrifying the rest.[3] In consequence, on February 26, a priest, Robert Drury, suffered at Tyburn the barbarous penalty of treason.[4]

December. Proposal to purchase toleration.

Feb. 15, 1607. Sufferings of the priests,

The treatment of the laity was harsh enough, even if it did not fill up the measure of the law. The wretched sacramental test indeed was rendered nugatory by James's good sense, and the fines for keeping recusant servants were not inflicted,[5] but a new commission was issued to lease the lands of convicted recusants. Fresh names were added to the list,

and of the laity.

[1] Blount to Persons, Dec. 7; Tierney's *Dodd.* iv. App. p. cxliv.

[2] Persons to Paul V., $\frac{\text{Jan. 28,}}{\text{Feb. 7,}}$ 1607; *Roman Transcripts*, *R. O.*

[3] *Lansd. MSS.* 153, fol. 293.

[4] Tierney's *Dodd.* iv. 179.

[5] There is no trace in the Receipt Books of the Exchequer of any fine exacted either for not taking the sacrament or for keeping recusant servants. On the promulgation of the statute, however, many Catholic servants had been discharged, to escape the penalties of the Act.

and larger sums than ever were wrung out of the unfortunate landowners. The way in which advantage was taken of that clause of the statute which related to those who had hitherto paid the 20*l.* fine must have been peculiarly annoying. The King had now power to refuse this fine, and to seize two-thirds of the property. Instead of doing this, as had been intended, for the benefit of the Exchequer, he retained the fine himself, and granted to his favourites leave to extract bribes out of the owners by holding over them the threat of putting the statute in force.[1] Of those who were not rich enough to pay the fine, and whose lands were seized, a large number saw their possessions pass into the hands of courtiers, who were frequently Scotchmen. In the House of Commons, which had again met, the strongest Protestants protested that they would never have passed these clauses of the Act if they had known that the Scots were to had have the benefit of them.

But, whatever evil sprang from the stricter execution of the confiscatory statutes, it was as nothing when compared with the misery which resulted from the new oath. In vain the Catholics offered to take another oath, which would equally bind them to obedience, whilst it left the claims of the Pope unmentioned.[2] Such a compromise was rejected with scorn. There were, indeed, many of the Catholics, especially amongst the laity, who imitated the Archpriest in taking the oath. There were even many who, either terrified by the severity of the law, or dissatisfied with a Church which had counted Catesby and his associates among its members, deserted the religion which they had hitherto professed ;[3] but numbers of loyal subjects stood firm in their refusal. The prisons were soon crowded with men who were not to be induced to betray their consciences. Even

Consequences of refusing the oath.

[1] Notification from the Signet Office, 1606, in Tierney's *Dodd.* iv. App. p. lxxv. The date of Oct. 1605 there given must be wrong, as the statute was not then in existence, and Lord Hay, who was one of the recipients, had not received his peerage.

[2] Two forms are given in Tierney's *Dodd.* iv. App. p. cxc.

[3] Edmondes to Salisbury, Sept. 7, 1606, *S. P. Flanders.*

those who escaped actual ill-treatment lived in a state of constant insecurity. A miserable race of informers, and of officials who were as bad as the informers, swarmed over the country, who, knowing that by a word they could consign to ruin the master of the house into which they entered, allowed themselves to treat the inmates with the most overbearing insolence. These men cared much more about putting money into their own pockets than about procuring a conviction which would enrich the King. Heavy bribes might buy them off, until they chose to return to renew their demands. Those who refused in this way to obtain a respite from their persecutors, were dragged off, often under circumstances of the greatest indignity, to the nearest justice of the peace, where the oath was tendered to them, on pain of being immediately committed to prison. The aged and the weak were not seldom subjected to personal violence. It frequently happened that those who escaped were reduced to beggary, and were compelled to subsist upon the charity of others who were left in possession of some little which they could, for the moment, call their own.[1]

In the course of this persecution, Blackwell was captured and sent to the gate-house. He was one of those men who never look a difficulty in the face if they can help it, and he took advantage of some informality in the Pope's breve to throw doubts on its being the real product of the Pope's mind. Accordingly he not only took the oath himself, but wrote a letter to the priests under his charge, recommending them to follow his example.[2] It is easy to conceive with what eyes this conduct was viewed at Rome.

Blackwell takes the oath.

Conduct of Blackwell.

Aug. $\frac{13}{23}$. The Pope again condemns the oath.

The Pope issued a second breve, reiterating his condemnation of the oath.[3] Bellarmine wrote to remonstrate with Blackwell, and as the Archpriest at-

[1] The report of Father Pollard in Tierney's *Dodd.* iv. App. p. clx, should be read by all who wish to know what was the character of the scenes which took place at this time.

[2] Blackwell to the clergy, July 7, Tierney's *Dodd.* iv. App. p. cxlvii.

[3] Tierney's *Dodd.* iv. App. p. cxlvi.

Feb. 1, 1608. Deposition of Blackwell.

tempted to justify himself he was deposed from his office.[1]

Before the Pope's second breve reached England, the flight of Tyrone and Tyrconnell was known. The danger from a Catholic insurrection in Ireland would be very great if the Earls proved justified in their expectation of receiving support from Spain; and there was every reason to suppose that Spain would soon have her hands free from that war with the Dutch which had eaten out the vigour of the monarchy of Philip II.

On March 31, 1607, an agreement had been signed between the Archdukes and the States of the United Provinces

March 31, 1607. Cessation of hostilities in the Netherlands.

arranging for a cessation of hostilities, with a view to the opening of negotiations for peace. During the last two years the Dutch had learnt a lesson. In 1604 they had been able to set the capture of Sluys against the loss of Ostend; but in the two following years Spinola had pressed them back step by step, upon their eastern frontier.[2] It was already becoming doubtful whether it would not be wiser to obtain peace upon honourable terms, than to set no limits to the war short of the acquisition of the whole of the Spanish Netherlands. Barneveld, at least, and the large party which looked up to his guidance, had changed their views since they had steadily refused to take part with England in the treaty of 1604. On the other hand, Maurice, at the head of the army, and a great part of the population of Holland and Zeeland, who were making their fortunes at sea, were still desirous of continuing the war upon any terms.

The Archduke, on his part, had long been sighing for an opportunity of peace to repair the ravages of war in his wasted dominions. Nor was the King of Spain himself now inclined to resist. The capture of a few towns in Guelderland and Overyssel could not make amends for the drain upon his impoverished exchequer. Every month it was becoming more

[1] Bellarmine to Blackwell, Sept. 8. Blackwell to Bellarmine, Nov. 13, 1607. Breve deposing Blackwell, Feb. 4, 1608. Tierney's *Dodd.* App. pp. cxlviii–clix.

[2] Agreement, $\frac{\text{March 31}}{\text{April 10}}$, 1607, *S. P. Holland.*

and more impossible to find money to pay the troops in the Netherlands, and at any moment the ablest combinations of Spinola might be frustrated by a mutiny of the army. At sea the Dutch were completely masters, and the once powerful monarchy of Spain was trembling for her communications with the Indies.

The news of the cessation of hostilities was not acceptable either to Salisbury or to James. Like Burke in 1793, Salisbury believed that the encroachment of foreign intrigues could be checked by war alone. But, unlike Burke, he wished the burden of the war to fall on the Continental nations, whilst England enjoyed the blessings of peace.

Salisbury's opinions on the negotiations.

But besides his hesitation to accept a change which would leave the Spanish forces free to attack England, Salisbury undoubtedly believed that the cessation of war would be injurious to the States themselves. He feared lest the edifice of government, which had been so laboriously reared out of discordant materials, would fall to pieces as soon as Spanish agents were allowed free access to the discontented.[1] In the instructions given in August to Sir Ralph Winwood and Sir Richard Spenser, who were to represent England at the conferences which were expected to open at the Hague, care was taken to impress on them that, though they were not to put themselves forward as opponents of the peace, they were to encourage the States to renew the war, if they should find that they had any wish to do so.[2]

Spanish overtures to James

The question raised by these negotiations was no altogether a simple one. If Spain were weakened in the Netherlands, it might be that France would reap the profit, and no English Government could do otherwise than

[1] This double feeling is naïvely expressed in a letter of Winwood and Spenser to Salisbury: "We know how necessary the continuance of the war would be to the safety of the Provinces if means might be found to maintain it, and how convenient this war would be for the good of His Majesty's realms, if it might be maintained without his charge," Nov. 22, 1607, *S. P. Holland.*

[2] Commission to Winwood and Spenser, Aug. 10, *Rymer*, xvi. 663. Instructions, *Winw.* ii. 329.

resist the extension of French power on the eastern shores of the North Sea. Scarcely, therefore, had the cessation of hostilities been agreed on, when Spain attempted to win James over by renewing the abortive scheme for a marriage between Prince Henry and the Infanta, coupled with a demand for the conversion of the former.[1] Nothing came or was likely to come of the proposal, and in December the English ambassador at Madrid was informed that, without the Prince's conversion, there could be no marriage.[2] In the autumn, however, a counter project was forwarded to Spain from England. The Pope's second breve must have reached England about the beginning of September. A few days later came news that the Irish earls had been well received by the Spanish authorities in the Low Countries, which naturally gave rise to a belief that the Spaniards intended to support their designs upon Ireland.[3] Northampton and Suffolk were anxious to persuade James to treat the Catholics more leniently, and Salisbury, either in consequence of James's anxiety to be on good terms with Spain, or through his own anxiety at the menacing aspect of affairs, joined Northampton in urging the Spanish ambassador, Zuñiga, to suggest to his Government a marriage between the son of Philip's brother-in-law, the Duke of Savoy, and the Princess Elizabeth, on the understanding that the religion of the latter was not to be interfered with.[4] So serious did the danger of a general resistance of the Catholics of the three kingdoms appear that, before the end of October, Salisbury, probably at James's instigation, begged Zuñiga to urge the Pope to write a kind letter to James, offering to excommunicate those Catholics who rebelled against their Sovereign, and to direct them to take arms, if necessary, to defend him against invasion. If Paul would do this all the fines imposed upon the Catholics would be at once

October. Proposed marriage of the Princess Elizabeth.

James wishes for the help of the Pope.

[1] Barberini to Borghese, $\frac{\text{June } 30}{\text{July } 10}$, *Roman Transcripts, R.O.*

[2] Cornwallis to Salisbury, Dec. 10, *Winw.* ii. 363.

[3] Vertaut to Puisieux, Sept. $\frac{16}{26}$, *Ambassades de la Boderie*, ii. 387.

[4] Philip III. to Aytona, Oct. $\frac{21}{31}$. Persons to Paul V., *Roman Transcripts, R.O.*

remitted, and they would be allowed to keep priests in their houses without hindrance from the Government.[1]

In forwarding these schemes for a reconciliation with Spain and the Catholic world, Salisbury did not wish to abandon the Dutch. He expected that the King of Spain would, in return for the English alliance, seriously carry on the negotiations with the Republic, and acknowledge the independence of the States.[2] A policy which depended on a mutual understanding for the good of mankind between James I., Paul V., and the King of Spain, was likely to meet with considerable obstacles.

In the meanwhile there had been considerable delay in opening the conferences at the Hague, in consequence of the difficulty of inducing Spain to recognise the Provinces as free and independent states. Whilst these delays were rendering the ultimate issue of the negotiations doubtful, the States were pressing England and France to enter into an engagement to succour them in case of the failure of their efforts to obtain peace, or, at least, to guarantee the future treaty with Spain. Jeannin, the able diplomatist who was employed by the King of France to watch the negotiation, waited upon the English Commissioners, and told them that he had orders to promote a peace, unless England would join with France in supporting war. He therefore wished to know what course their Government would take.[3] James was jealous of French influence in the Netherlands, and he considered the demands made by the Dutch to be exorbitant. The States, he said, were asking him for a 'huge number of ships' and a vast amount of money. "Should I ruin myself," he wrote to Salis-

The States demand a guarantee.

[1] Zuñiga to Philip III., $\frac{\text{Oct. 31,}}{\text{Nov. 10,}}$ *Simancas MSS.* 2584, 69.

[2] I gather this from a despatch of Zuñiga's of Dec. $\frac{12}{22}$ (*Simancas MSS.* 2584, 84), in which he describes Salisbury as excessively angry on the receipt of a letter from Cornwallis, announcing that the King of Spain has assigned only the small sum of 5,000*l.* for his pensions to his confidants in England; and also that the King of Spain does not intend to make peace with the Dutch 'sino intretenerlos hasta ponerse muy poderoso, y luego hechar por todo.'

[3] Commissioners to Salisbury, Nov. 29, 1607, *S. P. Holland.*

bury, "for maintaining them? Should I bestow as much upon them yearly as cometh to the value of my whole yearly rent? I look that by a peace they should enrich themselves to pay me my debts, and if they be so weak as they cannot subsist, either in peace or war, without I ruin myself for upholding them, in that case surely the nearest harm is to be first eschewed: a man will leap out of a burning ship and drown himself in the sea; and it is doubtless a farther off harm from me to suffer them to fall again into the hands of Spain, and let God provide for the danger that may with time fall upon me or my posterity, than presently to starve myself and mine with putting the meat in their mouth; nay rather, if they be so weak as they can neither sustain themselves in peace nor war, let them leave this vainglorious thirsting for the title of a free state, which no people are worthy of, or able to enjoy, that cannot stand by themselves like substantives, and . . . let their country be divided betwixt France and me, otherwise the King of Spain shall be sure to consume us, making us waste ourselves to sustain his enemies."[1]

December. James's indisposition to help them.

So James wrote garrulously. After a little while, however, time, and perhaps Salisbury's advice, brought counsel. It was obvious that, if England refused to take part in the guarantee required, the States would throw themselves into the arms of France. James therefore resolved to give a guarantee, though he stipulated that it should be kept entirely separate from the similar engagement of the King of France.[2]

Even after James's refusal to join the French, it would have been desirable that, at least, the two documents should be signed on the same day, in order that the two Governments might show a common front to Spain. But here a difficulty occurred. The English commissioners required, before they signed, that an acknowledgment should be given them of the debt which the States owed to the King of England, and as differences existed both as to the amount of the debt and as to the time when it was to be paid, they declined to join the

[1] The King to Salisbury, Dec (?) 1607, *Hatfield MSS.* 134, fol. 48.

[2] Correspondence in the Letter Book of Spenser and Winwood, *S. P. Holland.*

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French.[1] Several compromises were proposed in vain, and on January 15, 1608, the French signed alone. The English treaty lingered on for some months before its terms were finally agreed upon.

The news of these differences between the mediating powers must have gladdened the hearts of the Spanish Commissioners, who arrived shortly after the signature of the French treaty. On January 26 the conferences were at last opened, and in a few days the Spaniards announced, to the astonishment of all, that their master was ready to agree to the complete renunciation of all sovereignty over the United Provinces, on the part either of the Archdukes or of the King of Spain. It was less easy to come to terms on the question of the right of navigation to the Indies. The States offered to leave the question undecided, as it had been left in the treaty with England; but that which Spain had granted to an independent sovereign she refused to yield to subjects who had so lately escaped from her dominion. The Spaniards offered to leave the traffic open for a few years, if the States would promise to bind themselves to prohibit their subjects from engaging for a longer period in that trade. At last, after several counter-propositions had been made, it was agreed that the Dutch should be allowed to trade for nine years to those parts of the Indies which were not in the actual occupation of Spain, upon the understanding that before the expiration of that period, negotiations should be entered into for the definite settlement of the question. On March 21, one of the Spanish Commissioners was sent to Madrid to obtain the approval of the King, and the conferences were soon afterwards adjourned.[2]

Jan. 26, 1608. Opening of the conferences.

Terms agreed to by the Commissioners.

The King of Spain kept the States in suspense during the whole of the summer. He had great difficulty in bringing himself to consent to the proposals to which his representatives had agreed. If he refused to give way, there were still many chances in his favour.

The King of Spain refuses to agree to the terms proposed.

[1] Commissioners to the Council, Jan. 6, 1608, *S. P. Holland.* Jeannin and Russy to the King of France, Jan. $\frac{18}{28}$, 1608, Jeannin, *Negotiations.*

[2] *Meteren.*

Of the United Provinces, only two were engaged in commerce. The other five were particularly exposed to the ravages of the contending armies. It might, therefore, be reasonably supposed that they would be unwilling to renew the war for the sake of the trade with the Indies. England was known to be lukewarm, and James had been urging Philip once more to consent to the marriage of the Princess Elizabeth with the Prince of Piedmont.[1] But even if the project had been received with favour at Madrid, it would have been wrecked by the illwill of the Pope, who peremptorily refused to consent to an arrangement which would have given a heretic duchess to Savoy.[2]

June. Spain attempts to gain over Henry IV.

Spain too was looking elsewhere for support. Pedro de Toledo was sent on a special mission to France, to propose a marriage between Philip's second son, Charles, and a daughter of Henry IV., on the understanding that the young couple were to have the sovereignty of the Low Countries after the death of its present rulers. In return it was expected that Henry would help in the reconquest of the rebellious States for the benefit of his future son-in-law, or would at least insist on the Dutch abandoning the trade with the Indies, and permitting the free exercise of the Catholic religion within their territories. It was believed at Madrid that, if these two concessions were made, the Republic would, in the course of a few years, be unable to maintain its independence. Henry was, however, impervious to the arguments of the ambassador, and rejected the proffered alliance.[3]

Until it was known that these overtures had been rejected by Henry there was much alarm at the English court. The

February. The King's *Apology for the Oath of Allegiance.*

suggestion made by Salisbury in November[4] that the Pope should take the first step towards a reconciliation by entering into an engagement for the loyalty of the English Catholics had met with no response, and in February James had transferred his quarrel

[1] Summary of Zuñiga's despatch, $\frac{\text{March } 29,}{\text{April } 8,}$ *Roman Transcripts, R.O.*

[2] Cardinal Millino to Paul V. $\frac{\text{June } 24,}{\text{July } 4,}$ 1614, *ibid.*

[3] Ubaldini to Borghese, $\frac{\text{May } 31,}{\text{June } 10,}$ Oct. $\frac{4,}{14,}$ *Roman Transcripts, R.O.*

[4] Page 23.

with the Pope from the field of diplomacy to that of literature. In his *Apology for the Oath of Allegiance*, he attacked the two breves, and vindicated the rights of temporal authority against the ecclesiastical power. Would it be possible, however, to maintain this defiant attitude if Spain and France came to terms? This was the question which was discussed in June in the Privy Council.

June. Question of tolerating the Catholics.

Many of those present urged that it would be necessary, in the face of such a danger, to grant toleration to the Catholics. Salisbury, however, stood firm.[1] If Spain was to be on good terms with France, England must rely upon its Protestantism.

June 16. League between England and the States.

Salisbury's reply to the mission of Pedro de Toledo was the signature, on June 16, of the long-deferred league with the States.[2] James promised that, if the peace were concluded, and was afterwards broken by Spain, he would send to the defence of the Republic 6,000 foot and 600 horse, besides a fleet of twenty ships. If he were attacked, the Dutch were to assist him with a similar number of ships, but a land force of 4,000 foot and 300 horse would be sufficient. In a separate agreement[3] the States acknowledged a debt of 818,408*l.* Nothing was, however, to be required of them till two years after the conclusion of peace with Spain. The repayment was then to commence by half-yearly instalments of 30,000*l.*, an amount which was afterwards reduced to 20,000*l.* Even the failure of their attempt to come to an understanding with France did not teach the Spaniards wisdom. When, on August 10, the conferences re-opened, the Spanish Commissioners announced that Philip would only acknowledge the States to be independent communities on condition of their abandoning the East India trade, and tolerating the Catholic religion.[4] These proposals were at once rejected. The English and French Commis-

[1] Singleton to —— (?) $\frac{\text{June 25,}}{\text{July 5,}}$ *Roman Transcripts*, *R. O.*

[2] *Rymer*, xvi. 667.

[3] *Rymer*, xvi. 673.

[4] Motley's *United Netherlands*, iv. 461.

sioners, now, at last, able to work together, perceiving that the two parties were not likely to come to an agreement, proposed that a long truce should be substituted for a peace. The Provinces were to be acknowledged as an independent State, and the trade with the Indies was to be thrown open to them as long as the truce lasted. This arrangement was accepted in principle; but even then it was difficult to draw it up in terms which would be satisfactory to both the contracting Powers. The States demanded that their absolute independence should be acknowledged. The Spaniards thought that enough was conceded if they consented to treat with them as an independent State for the time being, so as to have it in their power to reassert their claims upon the resumption of hostilities.

Proposal of a truce.

Neither party would give way. On September 20, the Spanish and Flemish Commissioners broke up the conferences and returned to Brussels, giving it to be understood that if the States were willing to renew the negotiations, no difficulty would be thrown in their way.

The conferences are broken up.

It was not without considerable labour that Jeannin succeeded in bringing the negotiators together again. At last, however, the conferences were resumed at Antwerp, where, on March 30, 1609,[1] a truce was signed for twelve years. The States contented themselves with a general recognition of their independence. The King of Spain, though he reserved a right to prohibit traffic with his own territories in the Indies, yet declared that he would throw no impediment in the way of the trade of the Dutch with any of the native states beyond the limits of the Spanish possessions. This was the greatest concession which had yet been wrung from Spain.

1609. The truce signed at Antwerp.

The position of England, at the conclusion of the truce, was no doubt inferior to that which she might have occupied if James had at once entered upon a bolder policy. Still, at the end of the negotiations, she was found in her right place. She had joined with France in guaranteeing the States

1 March 30. / April 9.

against any attempt on the part of Spain to infringe the articles of the truce. There can be no doubt that, in the course he had finally taken, Salisbury was acting wisely. If France and England had been faithful to the policy which they now adopted, and had continued to present a bold front to the aggression of Spain and her allies, the storm which was even then hanging over Central Europe might have been permanently averted.

James was probably the more ready at this time to act in conjunction with France, as he was still under considerable alarm lest Spain should give aid to the Irish fugitives. So great was his anxiety, even after the suppression of O'Dogherty's rebellion, that in the autumn of 1608 the Spanish ambassador in England was assured, either by James himself or by some one speaking in his name, that it was in contemplation to grant a pardon to Tyrone, and to tolerate the Catholic religion.[1]

James offers to pardon Tyrone.

Nowhere would any project conceived in favour of the Catholics meet with steadier resistance than in Scotland. In July 1608, a General Assembly met at Linlithgow. The influence of the new Moderators[2] had everywhere been employed to procure the election of persons acceptable to the Court.[3] The hopelessness of resistance, the absence of the banished and imprisoned leaders, together with the knowledge that the Bishops were possessed of the power to raise ministers' stipends, did wonders with that numerous class of men which is inclined by natural temperament to go with the stream. Nor can it be doubted that many of the decidedly Presbyterian clergy too had taken no great interest in the high ecclesiastical pretensions of Melville and Forbes. Nor was the appearance of Dunbar, attended by some forty noblemen, who

July 26. The Assembly of Linlithgow.

[1] Borghese to the Nuncio in Spain, Nov. $\frac{1}{11}$, *Roman Transcripts, R. O.*

[2] Vol. i. p. 321.

[3] "We have already visited three Presbyteries, and have found the number of your honest servants to exceed the seditious. We have caused them choose Commissioners to the ensuing General Assembly, and, of twelve, I will be answerable for nine. This has been the most seditious province"—*i.e.* Fife—"in all our kingdom."—Gladstanes to the King, April 17, Botfield, *Orig. Letters*, 131.

came to vote as well as to listen, likely to add to the independence of the ministers present. At all events the Assembly turned its attention chiefly to the extirpation of 'Popery,' excommunicated Huntly and ordered the excommunication of the Earls of Errol and Angus, and of Lord Sempill, as soon as legal proceedings taken against them as Catholics could be completed. Then, after resolving that the Catholics should be subjected to several fresh restrictions, and appointing a commission to discuss the controversy which agitated the Church, the Assembly separated, after choosing a body of Commissioners to wait on the King for his approval to its measures.[1]

The Scottish Catholics were in great alarm. The Chancellor, who was now known as the Earl of Dunfermline, and the Secretary Lord Balmerino, who, under the name of Sir James Elphinstone, had once surreptitiously obtained the King's signature to a letter to Clement VIII., conferred anxiously on so threatening a conjuncture of affairs. They resolved to despatch Balmerino to England, to entreat James to hold his hand.[2] They could not have chosen a more inopportune moment. When Balmerino arrived at Royston, about the middle of October, James had for some days had in his hands an answer to his *Apology for the Oath of Allegiance* written by Bellarmine under the name of one of his chaplains, Matthew Tortus. In this answer it was asserted that, before James left Scotland, his ministers had assured the Pope that he was likely to become a Catholic, and that he had himself written to Clement, recommending the promotion of the Bishop of Vaison to the cardinalate.[3] James was deeply vexed. He had no recollection of ever having written anything of the kind, and he directed Salisbury to ask Lord Gray, a Scottish Catholic nobleman who had been in Rome at the time when the letter was said to have arrived, whether he could tell him anything about the matter.[4]

Sept. Balmerino's visit to England.

Bellarmine charges James with having written to the Pope.

James makes inquiries.

When, therefore, Balmerino entered the King's presence at

[1] *Calderwood*, vi. 751.
[2] *Spottiswoode*, 197.
[3] Vol. i. p. 80.
[4] Gray to Salisbury, Oct. 3, *Hatfield MSS.* 126, fol. 59.

Royston he was at once challenged, as having been secretary when the letter was written, to state what had really happened. To secure the presence of witnesses James had placed Hay and one or two others in his bedroom, which opened out of the room in which he was, and had left the door of communication open. Balmerino fell on his knees and acknowledged that he had drawn up the letter. After a faint attempt at denial, he acknowledged also that the King had not known what he was about when he signed it.

Balmerino acknowledges his fault.

James determined to make the whole story public. His character for truthfulness, on which he was extremely sensitive, was involved. He bade the English Privy Council examine the affair, and sent them a whole string of elaborate interrogatories to help them in sifting the matter to the bottom. "Though ye were born strangers," he wrote to them with his own hand, "to the country where this was done, yet are ye no strangers to the King thereof; and ye know, if the King of Scotland prove a knave, the King of England can never be an honest man. Work so, therefore, in this as having interest in your King's reputation." "I remit to you and all honest men," he said in a letter to Salisbury, "to think upon all the ways that may be for clearing of my honesty in it, which I had the more need to do, considering his treachery. I only pray you to think that never thing in this world touched me nearlier than this doth. God knows I am and ever was upright and innocent; but how the world may know it, that must chiefly be done by some public course of his punishment, wherein I look to hear your advice after his examination."

James orders him to be examined.

Balmerino, upon examination by the Privy Councillors, deliberately acknowledged his offence. James was almost childishly triumphant. "For my part," he told Salisbury, "I may justly say that the name-giving me of James included a prophetical mystery of my fortune, for, as a Jacob, I wrestled with my arms upon the fifth of August[1] for my life, and overcame. Upon the fifth of November I wrestled and

Balmerino's confession.

[1] The day of the Gowrie Plot.

overcame with my wit, and now in a case ten times dearer to me than my life, I mean my reputation, I have wrestled and overcome with my memory."[1]

James had not succeeded so completely as he had hoped in silencing his adversaries. He shrank from shedding blood, and there would have been some difficulty in bringing evidence against Balmerino, as his confession before the English Privy Councillors could not be produced in a Scottish court. Dunbar was therefore authorised to assure him that if he would plead guilty he should not suffer in life or estate.[2] Balmerino took the advice, and at St. Andrews he acknowledged his offence as he had acknowledged it at Whitehall. He was condemned to death, but was allowed to remain in confinement in his own house during the rest of his life. It became an article of faith with all good Presbyterians that no credence was to be given to a confession thus collusively obtained. They were the more confirmed in their opinion because when James produced an answer to

1609. Balmerino condemned.

[1] The King to the Council, Oct. 17. Interrogatories for Balmerino. Confession of Balmerino. The King to Salisbury, Oct. 19 and Oct. (?), *Hatfield MSS.* 134, fols. 123, 124; 126, fol. 67; 134, fols. 98, 104. I do not think that even the most firm believer in the theory of James's duplicity could read these letters without being convinced of his transparent ingenuousness. Besides, if Balmerino had been induced to confess a fault which he had not committed, James would have sent him at once to Scotland, without undergoing the totally unnecessary investigation before the English Privy Council, and would, at all events, not have had anyone behind his bedroom door to be witness at the first audience. Moreover, in the narrative drawn up by Balmerino, and printed in *Calderwood*, vi. 789, the secretary not only avows, but justifies, his act. It is evident that it was not prepared in the King's interest, as it charges him with being guilty of entering upon the negotiations in spirit if not in letter. Besides, it appears, from Balmerino's language, when he asked Yelverton's legal opinion (*Add. MSS.* 14,030, fol. 89), that the letter was written without the King's knowledge. It is true that he speaks of his act as being 'reputed very good service while it was a-doing, and only kept close at that time for the offence of the late Queen and this State;' but as he distinctly acknowledged that he had obtained the signature surreptitiously, this statement must refer to the correspondence with the cardinals and the Italian princes.

[2] *Calderwood*, vi. 825.

Tortus under the title of *A Premonition to all the most mighty Monarchs, Kings, Free Princes, and States of Christendom*, he did not refer to Balmerino's confession at all.[1] It is possible that, by the time that book appeared, James had remembered that the signature of the letter to the Pope was but a small part of the charge against him, and had become unwilling to call attention to the fact that, at all events, he had ordered letters to be written to the Cardinals.

The King's *Premonition.*

In the spring of 1609, therefore, James had everywhere taken up a position of hostility to the Catholics. In Scotland he had authorised fresh attempts to reduce their numbers by the terrors of the law. In Ireland he was laying the foundations of English supremacy by the plantation of Ulster. On the Continent he appeared as the ally of the States General, and had allowed the project of Catholic marriages for his children to drop out of sight. He had thrown himself vigorously into a literary controversy on the limits of ecclesiastical authority. Would all this be sufficient to knit together again the broken bonds of sympathy between himself and his people?

James's position towards the Catholics.

[1] *Calderwood*, vii. 10.

CHAPTER XII

THE PROHIBITIONS AND THE COLONISATION OF VIRGINIA.

THE want of sympathy which undoubtedly existed between James and the existing House of Commons had been shown whenever the king's financial difficulties had been treated of; and when Parliament met for another session, it would be those difficulties which would have the first claim on its attention. The root of the evil lay deeper than in mere finance. It lay in James's habit of treating all questions which came before him as if they were to be decided by his own personal wisdom, without any reference to the current of ideas which prevailed in the country at large. He lived a life apart from the mass of his subjects, and by failing to understand them he became unable to give them that true guidance which is the highest form of service.

1609. Probable opposition in Parliament.

During the years which had elapsed since the last session, a warm discussion had taken place on a constitutional question which deeply affected the King's position in the state. Coke had scarcely taken his place on the Bench when he sought to animate his colleagues with his own spirit of opposition to all who in any way interfered with the pre-eminent jurisdiction of the courts of common law. The quarrel had indeed commenced before he became a judge. It had frequently happened that the common law judges had issued prohibitions to the Ecclesiastical Courts, in order to compel them to proceed no further in the causes before them, till they had proved to the satisfaction of the judges that the matter in hand was really one which ought to fall within their

1606. Coke on the Bench.

jurisdiction. The clergy naturally resisted this claim, and argued that their courts were independent of any other, and that their jurisdiction flowed directly from the Crown.

Towards the end of 1605, Bancroft presented a series of complaints to the King against these proceedings of the judges.

1605. Bancroft's *Articuli Cleri.* In the course of the following year, the judges, who had now the assistance of Coke's stores of knowledge, answered the complaints one by one.[1] Both parties were, no doubt, pleading their own cause, and feeling, as they both did, the weakness which resulted to their case from this, were ready to appeal to a third party for support. Whilst Bancroft would have placed the power of granting prohibitions in the hands of the Court of Chancery, the judges, who were well aware that that court was far more subject to political influences than their own, at once declared that though they were ready to submit to an Act of Parliament, they declined to surrender their immemorial rights to any lesser authority. It is this appeal to Parliament which raises the dispute from a mere quarrel about jurisdiction to the dignity of a constitutional event. Whilst the clergy were content to rely upon the Sovereign, the interpreters of the law entered boldly into alliance with the nation.

1606. The judges appeal to Parliament.

Shortly after the prorogation in 1607 a case occurred which drew the attention of all who were interested in ecclesiastical affairs to the question of the prohibitions. Fuller, who, as a member of Parliament, had always been the first to give expression to the fears and wishes of the Puritans, had frequently been employed as a lawyer to plead the cause of those who were endangered by opinions which they held in common with himself. In this way he had been retained to demand the interference of the Court of King's Bench in the case of two persons who had suffered hard usage at the hands of the High Commission.[2] The first of these, Thomas Ladd, had been brought before the Chancellor of the diocese of Norwich on the charge

1607. Fuller's case.

Case of Ladd,

[1] 2nd Inst. 601.

[2] *The Argument of Master Nicholas Fuller in the case of T. Ladd and R. Maunsell,* 1607.

of having attended a conventicle. According to Fuller's account, his client had been living with one of the suspended ministers, named Jackler. He had been accustomed to join the master of the house on Sunday evenings in repeating the sermons which he had heard at church. Though it was not stated by Fuller, it is not improbable that they added observations of their own, nor is it unlikely that some of their neighbours were occasionally present at their meetings. On being brought before the Chancellor, Ladd was compelled to answer upon oath to the questions which were put to him, and was finally sent up to Lambeth upon a charge of perjury, as having given false information at Norwich. He was then required by the High Commission to swear that he would answer truly to such questions as might be put to him. This time he refused to take the oath, unless the questions were previously shown to him. He was, in consequence, thrown into prison, where he remained till he appealed to the common law judges.

and of Maunsell.

Fuller's other client, Maunsell, was imprisoned at Lambeth for having taken part in the presentation of a petition to the House of Commons, and for having refused to take the oath when brought up for examination.

Fuller's argument.

Fuller, in defence of Ladd, whose case first came on, boldly denied that the Court of High Commission had any right whatever to fine or imprison, and he seems, in putting his case, to have indulged in unguarded language, assailing the High Commission as a Popish authority, by which men were imprisoned without sufficient cause, and by which the true doctrine of the Church was imperilled. The statute of Elizabeth,[1] indeed, under which it acted, had been drawn up with a singular want of precision. Fuller's contention was at least arguable, though it certainly was not accepted by the judges at that time.[2] The Court did not grant the whole of his request, but they issued a writ of consultation—that is to say, a modified form of prohibition, acknowledging the right of the High Commission to imprison for schism or heresy, but forbidding that

[1] 1 Eliz. cap. i.

[2] Fuller's case, *Lansdowne MSS.* 1172, fol. 100. Fuller's statement, *Hatfield MSS.* 124, fol. 59.

court to restrain the liberty of Fuller's clients on any other grounds. Either at that time, however, or on some subsequent application, the Judges of the King's Bench referred the legality of their proceedings to all the twelve judges.

Fuller was retained to plead once more on behalf of his clients. Before the day for his argument arrived, he was himself in prison. The High Commission had summoned him to account for his attack upon its jurisdiction. Fuller at once applied for a prohibition, and obtained a writ of consultation on the same terms as Ladd had obtained one before. The High Commission was not to be baffled thus. Charging Fuller with 'schism and erroneous opinions,' as contained in the words which he had addressed to the Court of King's Bench, it imposed on him a fine of 200*l.*, and committed him to prison.

November. Fuller imprisoned.

When, therefore, the twelve judges met to consider the point of law which had arisen through Ladd's committal, they were naturally led to turn their attention to the more striking case which had then arisen through Fuller's imprisonment. In the end, while acknowledging the claim of the ecclesiastical court to punish for heresy and schism, they declared that a contempt of an ecclesiastical court committed by a barrister in his pleading was to be punished by the common law court, and not by the ecclesiastical.[1] Fuller seems to have interpreted this decision as being on the whole in his favour, and he applied to the King's Bench for a writ of habeas corpus.

Bancroft was not likely to be satisfied with the position in which he was placed. He appealed to the King on the ground that the judges were merely the King's delegates, and that James was therefore at liberty to take what causes he pleased out of their hands and to determine them himself. On this, Coke fired up, and, with the full support of the judges, assured the King that he could do nothing of the kind. James replied that 'he thought that the law was founded on reason, and that he and others had reason as well as the judges.' Coke

Bancroft appeals to the King.

Altercation between Coke and the King.

[1] *Rep.* xii. 44.

answered that 'true it was that God had endowed His Majesty with excellent science and great endowments of nature; but His Majesty was not learned in the laws of his realm of England; and causes which concern the life, or inheritance, or goods, or fortunes, of his subjects are not to be decided by natural reason, but by the artificial reason and judgment of law, which law requires long study and experience before that a man can attain to the cognizance of it; and that the law was the golden mete-wand and means to try the causes of the subjects; and which protected His Majesty in safety and peace.' At this James grew excessively angry, "Then," he said, "I shall be under the law, which is treason to affirm." Coke replied by quoting the well-known maxim of Bracton, that the King ought not to be under any man, but under God and the law.[1]

James was probably inclined to rebel rather against the yoke of the lawyers than against that of the law.[1] What he wanted was to prevent the common law judges from over-throwing the ecclesiastical jurisdiction. "I pray you," he wrote to Salisbury, "forget not Fuller's matter, that the Ecclesiastical Commission may not be suffered to sink, besides the evil deserts of this villain; for this farther I prophesy unto you that, whensoever the ecclesiastical dignity, together with the government thereof, shall be turned in contempt and begin evanish in this kingdom, the kings hereof shall not long after prosper in their government, and the monarchy shall fall to ruin, which I pray God I may never live to see."[2]

November. The King's interference.

[1] *Rep.* xii. 65. The date of this altercation is given as Sunday, Nov. 10, 5 Jac. i., *i.e.* 1607. In that year, however, Nov. 10 fell on a Tuesday, and the probable date is Nov. 8. It is only by conjecture that I have put it between the opinion of the judges and the King's letter to Salisbury, as we can only give them approximate dates. Mr. Foss (*Lives of the Judges*, vi. 1), in telling the story, prefaces it by a statement that James occasionally appeared in the Court of King's Bench, when the Chief Justices made way for him and sat at his feet. It was, however, Edward IV., not James I., who did this. Mr. Foss was led astray by a mistake in the *State Trials*, iii. 942, where Popham is printed instead of Markham.

[2] The King to Salisbury (Nov. 7), *Hatfield MSS.* 134, fol. 126.

It was probably in consequence of this letter from the King, that the twelve judges assembled to discuss the point of law raised by Fuller's application. They maintained distinctly the right of the common law judges to prevent the High Commission from deciding the legality of its own acts; but they expressly acknowledged its claim to punish for schism and heresy under the Act of Elizabeth, and thus abandoned Fuller, as the charge against him had been one of schism.

The opinion of the judges.

It would seem that Coke, who probably held that the imprisonment of Fuller for schism was technically correct, had unexpectedly thrown the influence of his authority upon the side of the Government. Salisbury at all events was assured, before the case came on, that Fuller would have the Court against him. "The judges," wrote James, "have done well for themselves as well as for me. For I was resolved, if they had done otherwise and maintained their habeas corpus, to have committed them." As to the conduct of the judges in issuing prohibitions, he added 'that, by their leaves, they should not use their liberty, but be prescribed.'[1]

The judges decide against Fuller.

Accordingly, when, on November 24 and 26, Fuller pleaded his cause before the King's Bench he found but little favour.[2] He was left to the High Commission Court to be dealt with at its pleasure. Fuller soon found that he had no further assistance to expect. After a short imprisonment of nine weeks, he paid his fine, and having made his submission, was released.[3] A few days later he was again taken into custody, some indiscreet admirers having published his argument in the cases of Ladd and Maunsell. An inquiry by the Attorney-General, however, made it plain that he had taken no part in the publication, and he was probably restored to freedom after no long delay.[4] At

Fuller before the King's Bench.

Jan. 1608. Fuller's submission and release.

[1] Lake to Salisbury, Nov. 27, *ibid.* 123, fol. 55.

[2] Salisbury to Lake, Nov. 25 (?). Salisbury to the King, Nov. 28, *ibid.* 123, fol. 137, 59.

[3] Chamberlain to Carleton, Jan. 5 and 8, *Court and Times*, i. 69.

[4] Whyte to Shrewsbury, Jan. 26, *Lodge*, iii. 225. Hobart to Salisbury, *Hatfield MSS.* 124, fol. 81.

all events, he was in his place in Parliament two years afterwards.[1]

Though Bancroft had triumphed over Fuller, he had not succeeded in stopping the flood of prohibitions by which the ordinary ecclesiastical courts were threatened.[2] Finding that their professional gains were at stake, some of the leading ecclesiastical lawyers petitioned the King to take up their cause and begged Bancroft to continue his exertions in their behalf.[3] Bancroft condoled with them on their hard case, and told them that he was anxious that the King should take the decision of the question into his own hands. He added that he had no wish that the King should assume absolute power; but he believed that, as the fountain of justice from whom both courts derived their jurisdictions, he had a right to act as mediator between them. He thought it more likely that the poor would obtain justice from the King than from the country gentlemen who composed the House of Commons, or from the judges, who were in league with them. Juries were generally dependents of the gentry, and the cause of justice could not but suffer from their employment.[4]

Dissatisfaction of the ecclesiastical lawyers.

Jan. 23, 1609. Bancroft takes their part.

Accordingly, in February, 1609, Coke and some others of the judges were summoned to Whitehall to discuss the general question of prohibitions with the ecclesiastical lawyers. In the course of his argument, Coke pleaded with the King to respect the common law of the land, and to consider that the ecclesiastical jurisdiction was a foreign one. James was furious. He clenched his fists, as if he were

February. Coke attacked by the King.

[1] The well-known assertion of Fuller, the Church historian, that he died in prison is certainly untrue. He is said, in the inquisition *post mortem* on his son, Sir Nicholas Fuller, who died on July 3, 1620, to have died at Chamberhouse in Berkshire, on Feb. 23 in the same year.

[2] The language of the King addressing the judges on Feb. 15 (Bacon's Comm. Sol. *Letters and Life*, iv. 89) appears to have been directed against interferences with lay courts. The Council of the North was much troubled by prohibitions.

[3] Petition of the lawyers to Bancroft, *Cott. MSS.*, Cleop. F. i., fol. 107.

[4] Bancroft to ——, Jan. 23, *Cott. MSS.*, Cleop. F. ii., fol. 121

about to strike the Chief Justice. Coke fell grovelling on the ground, and begged for mercy.[1] James perhaps felt that, after such a scene, it was useless to continue the discussion, and the debate was postponed.

July 6–9. The question discussed before the King.

At last, on July 6, the parties were once more summoned before the King. The discussion lasted three days. The actual point at issue was the right of deciding questions connected with the payment of tithe; but the controversy ranged over a far wider field. The judges claimed to interpret all statutes under which the ecclesiastical courts acted, and to interfere with their jurisdiction in every possible way. Their arguments were, of course, resisted by the bishops and by the lawyers who practised in these courts.

The King postpones his decision.

James was anxious to keep the peace, but he was fairly puzzled by the opposing reasons to which he had been listening. He must wait, he said, for further information. For the present, the issue of prohibitions was to cease. He wished to support both jurisdictions. He was anxious, he added in his good-natured way, that the two parties should cease to abuse one another, and that they should live together in future 'like brothers without emulation.'[2] It was not very likely that this wish would be gratified. As the ecclesiastical courts were then constituted, they had little hold on the national feeling. In appealing to the King for support, the Bishops were widening the chasm between him and his subjects.

1603. Robert Carr.

Nothing, however, made James so unpopular as the wealth which he showered down upon the Scotch courtiers. Amongst them a new favourite was rapidly obtaining the pre-eminence. That favourite, Robert Carr, was descended from the well-known family of the Kers of Ferniehurst, and had, as a boy, attended the King in Scotland, in the capacity of a page. After James's accession to the English throne,

[1] Bosworth to Milborne, Feb., *Hatfield MSS.* 125, fol. 36.

[2] Notes by Sir J. Cæsar, *Lansd. MSS.* 160, fol. 406; Coke's *Rep.* xiii. 46 There are papers connected with this affair in *Cot. MSS.* Cleop. F. i.

he had been dismissed from his post, and had sought to push his fortunes in France. Having failed of success upon the Continent, he returned to England, where he attached himself to the service of Lord Hay. He had not been long at Court before he had the good fortune to break his leg at a tilting match in the presence of the King.[1] From that moment his success was certain. James was attracted by his personal activity and his strong animal spirits. He delighted in his company, and, having knighted him, was eager to provide him with a fortune suitable to his merits. Step by step the lad rose in the royal favour, till he took his place among the old nobility of the realm.

James was indeed ready himself to be the founder of Carr's fortune ; but the way in which he did it exposed his favourite to contact with a man far greater than himself. Amidst the wreck of his fortune, Raleigh had succeeded in inducing the King to make over his life interest in the manor of Sherborne, which was all that had been forfeited to the King by his attainder,[2] to trustees who were to hold it in behalf of Lady Raleigh and her eldest son. Immediately upon his death, it would descend to his son, in virtue of the conveyance which he had signed in the days of his prosperity. A few months after this arrangement had been made, he was horrified by the news that a flaw had been discovered in the conveyance, which would after his death place the whole property at the King's disposal. He immediately wrote to Salisbury, begging him to come to his help, and requesting that the deed might be laid before Coke and Popham, in order that he might know what the real state of the case was.[3] His request was acceded to. Unhappily, there could be no doubt whatever as to the fact. The words omitted were of such importance that Popham could do nothing but declare that, as a legal document, the conveyance was worthless. He added, however, that

1604. Raleigh and the manor of Sherborne.

Discovery of a flaw in the conveyance of the land.

1605.

[1] Wilson in *Kennet*, ii. 686.

[2] Vol. i. p. 140.

[3] Raleigh to Cranborne, 1604 (?). Edwards's *Life of Ralegh*, ii. 311.

he believed the error had arisen from the fault of the clerk who had engrossed the deed.[1]

As soon as it was known how the case really stood, Lady Raleigh lost no time in imploring the King not to take advantage of his legal rights to ruin her innocent children. James at once consented to waive all pretensions to the reversion of the land, and directed Salisbury to prepare a grant of it to Lady Raleigh and her children.[2] It would have been well for James's good name if these directions had been carried out. There are no means of knowing with certainty what the inducement was which caused him to draw back. It is possible that the foolish rumours which reached him shortly afterwards of Raleigh's participation in the Gunpowder Plot,[3] caused delay, and that when those rumours proved to be without foundation, some new influence had obliterated his good intentions from his facile mind.

The King promises to give up his claim.

James retracts his promise,

In the summer of 1606, Raleigh even entertained a hope that he might recover his liberty.[4] He supposed that the King of Denmark, who was on a visit to his brother-in-law, might be induced to plead his cause.[5] When these expectations proved to be without foundation, Lady Raleigh,

1606.

[1] Popham to Salisbury, June 7, 1605, *Add. MSS.* 6177, fol. 393. Much indignation has been thrown away upon this opinion, which was given at Raleigh's own request, and which, as will be seen, could not possibly have been given in favour of the validity of the document. In 1608, the Attorney-General, Hobart, said, in the Court of Exchequer, that 'the sentence that should have appointed the said Sir W. Raleigh, his heirs and assigns, or such as had estate in the same premises to stand and to be seized thereof to the intended uses, was all wanting' (*Memoranda of the King's Remembrancer, R.O.*, Mich. Term, 6 Jac. i. 545). See also an extract from a letter of Coke, *Add. MSS.* 6177, fol. 391, the date of which should apparently be June 7, 1605.

[2] *Add. MSS.* 6177, fol. 323. The date 1603 in the copy is clearly wrong. The petition was probably sent and answered in the autumn of 1605.

[3] *Add. MSS.* 6178, fol. 469, 553. Hoby to Edmondes, Nov. 19, 1605. *Add. MSS.* 4176, fol. 34 b.

[4] Examination of Cottrell, Feb. 4, 1607, *S. P. Dom.* xxvi. 42.

[5] Carleton to Chamberlain, Aug. 20, 1606, *S. P. Dom.* xxiii. 10.

in despair, made her way to Hampton Court, where she threw herself on her knees before the King. James passed her by in silence.[1]

Another year passed away, and the King had taken no steps to call Raleigh's conveyance in question. But before the close of 1607 a temptation was presented to him which he was unable to resist. Carr was rapidly rising in favour, and James was anxious that he should become a landed proprietor. He was, however, preparing at that time to entail the greater part of his own lands upon the Crown, and had, probably, already come to the determination to grant away no more manors excepting those which might fall into his hands by forfeiture.

1607. and determines to procure the manor for Carr.

In this difficulty Salisbury, quick to detect the inclinations of his master, suggested that the manor of Sherborne would be a suitable gift for the new favourite.[2] Early in 1608, an information was exhibited in the Exchequer, calling upon Raleigh to show the title by which his heirs held the reversion of the manor. He could only produce the conveyance, which, as he knew, would not bear the scrutiny of the court. In order that he might have fair play, the judges assigned him counsel. The lawyers who were thus appointed, after consultation amongst themselves, refused to argue the case, as it would be impossible to find any line of defence to which the court could be induced to listen. It was not, however, till October 27

1608.

[1] Whyte to Shrewsbury, Sept. 24, 1606, *Lodge*, iii. 186.

[2] "The more I think of your remembrance of Robert Carr for yon manor of Sherborne, the more cause have I to conclude that your mind ever watcheth to seek out all advantages for my honour and contentment; for as it is only your duty and affection to me that makes you careful for them that serve me, so must I confess that he is the only young man whom, as I brought with me and brought up of a child, that was now left unprovided for, I mean according to that rank whereunto I have promoved him, besides that the thing itself, when I have now considered it, will prove excellent fit for him; and withal that 3," *i.e.* Northampton, "before my parting, requested me for him in it, who, as I told you, was ever before otherways minded in that matter, whomunto I seemed not to take knowledge that any other had moved me in that matter before."—The King to Salisbury. Undated. *Hatfield MSS.* 134, fol. 149.

that judgment was finally pronounced in favour of the Crown.[1]

Judgment in the Exchequer in favour of the Crown.

James had already bought up for 5,000*l.* the interest which, by his grant in 1604, Lady Raleigh possessed in the estate during her husband's lifetime.[2] If, therefore, he determined to present it to Carr, the new owner would be able at once to enter into possession, without waiting for Raleigh's death.

A letter has been preserved in which Raleigh, a few weeks after the decision of the court was known to him, begged Carr to do him justice, and implored him not to build his rising fortunes upon the ruin of an innocent man.[3]

The manor granted to Carr.

Lady Raleigh, too, made one more attempt to move the compassion of the King. Taking with her young Walter and the boy who had been born to her in her hours of sorrow in the Tower, she again threw herself at James's feet and begged for mercy. It is said that his only answer was, "I maun have the land, I maun have it for Carr." On January 9 the grant was passed by which the estate, which Raleigh had received from Elizabeth in the days of his prosperity, came into the possession of a worthless favourite.[4]

1609.

In preferring Carr to Raleigh, James had given to the world an additional evidence of his shortsightedness. He had, however, no intention of taking the land from Raleigh without allowing him compensation for his loss. He therefore ordered a survey to be taken of the lands, and, as a guarantee that it would be fairly carried out, he allowed the name of Raleigh's follower, Keymis, to appear amongst those of the Commissioners by whom the survey was to be made.[5] A negotiation was entered into with Sir Arthur Throck-

Compensation to Raleigh.

[1] *Memoranda of the King's Remembrancer, R.O.* Mich. Term, 7 Jac. i. 253.

[2] Devon. *Issues of the Exchequer*, p. 99. The first instalment was not to be paid till June, 1609, though the writ for its payment was dated March 13, 1608. This may have been in order to leave the rents in the hands of Lady Raleigh's trustees till the decision was given in the Exchequer.

[3] Raleigh to Carr, Jan. 1609 (?) ; Edwards's *Life of Ralegh*, ii. 326.

[4] Pat. 6 James I., part 32.

[5] Keymis to Salisbury, Sept. 23, 1609, *S. P. Dom.* xlviii. 5 A, printed

morton and the other feoffees to whom the estate had been conveyed by the deed lately proved to be invalid, which ended in the renunciation[1] of the 5,000*l.* which was to have been paid to Lady Raleigh for her interest in the land, and in the grant by the King of a pension of 400*l.* a-year, to be paid during her own life and that of her eldest son. To this was added a sum of 8,000*l.* in ready money.

In order to judge the extent of the wrong done to Raleigh, it is necessary to know what was the precise money value of the land which was taken from him. Unfortunately, it is not very easy to obtain this information. Raleigh, indeed, writing in 1604, under circumstances in which it was his interest to calculate the value of his property as low as possible, made it out to be considerably under 400*l.* a year.[2] But in 1612 the payments on account of the manor amounted to a little more than 750*l.*,[3] and there is other evidence which makes it probable that this was in reality the amount of revenue derived from it

in the *Literary Gazette*, new series, No. 18. The survey is also referred to in the *Exchequer Depositions*, 7 James I. Mich. Term. No. 24, *R. O.*

[1] This may, I suppose, be taken for granted, as the payment to Lady Raleigh of the interest due upon the 5,000*l.*, which had been retained in the King's hands, was made on Jan. 13, 1610 (*Issue Book of the Exch.*), and the two patents assigning the pension on the two lives, are dated on the 16th of the same month (Pat. 7 James I., part 13). Nothing further is heard of the 5,000*l.* The 8,000*l.* was paid over to Keymis on Dec. 23, 1609. During the year 1609 a second information had been exhibited in the Exchequer, calling upon Raleigh to produce any other title by which the land might be claimed from the Crown. He had been heard to speak of an earlier conveyance which he had made in 1598, of the ninety-nine years' lease which he held. As he was unable to produce it, and no witness could be found to speak to its contents, judgment was given against him on Nov. 23, 1609.—*Memoranda of the King's Remembrancer*, *R. O.* Mich. Term. 7 Jac. I. 253.

[2] Raleigh to the Council, 1604. *Add. MSS.* 6177, fol. 297, 305.

[3] On March 15, 1614, R. Connock, bailiff of the manor of Sherborne, paid money into the Exchequer as part of 754*l.* 11*s.* 10½*d.*, as arrears of his office due at Michaelmas 1612, at which time Sherborne was the property of Prince Henry. I suppose this is the amount of the rents of the year, which would agree with Chamberlain's statement that Sherborne, 'besides the goodly house and other commodities, is presently worth 800*l.* a year, and in reasonable time will be double' (*Court and Times of James I* 426). It

at that time. As the ordinary value of land in the reign of James was calculated at sixteen years' purchase,[1] this would give 12,000*l.* as the total value of the estate, which would be about equivalent to the 8,000*l.*, with the 400*l.* pension[2] which was granted. If this calculation be admitted, it would appear that Raleigh obtained a fair payment for his property, and that the wrong that was done him consisted only in the compulsion which was used to force him to sell it—a wrong the hardship of which was considerably lessened by the known fact that he had long been anxious to find a purchaser.[3]

There is, however, evidence in existence which conflicts strangely with the result of these calculations. When, shortly after Carr had received the manor, he resold it to the King, he obtained 20,000*l.*; and when, in 1615, he bought it back again, it was, according to a statement made by Bacon, valued at 25,000*l.*[4] Either, then, the value of the house and pleasure grounds must have been expressed by this very great difference, or the expectations, which do not appear to have been realised,[5]

might be supposed that this is inclusive of the rent paid to the Bishop; but I can find no payment to the Bishop in the Issue Books.

[1] Bacon, in his Essay on Usury, speaks of this as if it were the ordinary rate, and this is confirmed by a note in Sir Julius Cæsar's handwriting, appended in 1612 to a calculation of the revenue derived from the estate of Lord Vaux of Harrowden: 'After sixteen years' purchase, the common rate of sale there,' &c.

[2] It is sometimes stated that this pension was very irregularly paid. This charge seems to have arisen from the difficulty she had in obtaining payment on one occasion, apparently shortly after her husband's execution. Lady Raleigh to Cæsar. —*Lansd. MSS.* 142, fol. 282, and note at fol. 280.

[3] Raleigh to Cecil, *Add. MSS.* 6177, fol. 281. Raleigh to Cranborne, *Add. MSS.* 6178, fol. 457.

[4] Bacon to Villiers, Nov. 29, 1616, *Letters and Life*, vi. 115. The sum actually paid into the Exchequer in 1615 by Somerset was only 20,000*l.*, but 4,000*l.* more may be accounted for, as the King owed him that sum at the time. Perhaps the remaining 1,000*l.* was wiped off in the same way.

[5] By the account in the *Royalist Composition Papers*, Ser. i. xcii. 605, it appears that in the time of the Commonwealth the gross annual value of the property was 1,302*l.* 6*s.* 8*d.*; but of this 286*l.* stands for the Prebend which had been bought since the land came into Digby's hands, and for

of a great increase in the future income to be derived from the land, raised its value in the market. Whether this or some other explanation be the true one, it would seem that the difference between the actual value of the estate and the ordinary market value of the revenue derived from the estate at the time, will give the amount of which Raleigh was mulcted.

Such is the true story of the transfer of the manor of Sherborne[1] from Raleigh to Carr. As it stands it is bad enough, but it is needless to say that this is not the story which has obtained credence for more than two centuries. Posterity has revenged itself upon James by laying to his charge sins of which he was guiltless, and by exaggerating those which he in reality committed. The value of the lands was swollen, in the imaginations of men, to an enormous amount, and it has been believed by one of Raleigh's biographers after another, that James threw to the man from whom he had, by means of a sentence procured in a corrupt court, wrenched an estate worth 5,000*l.* a year, a pittance which barely exceeded the annual rental of the land.

Worn out with weariness and sickness, Raleigh continued from time to time to send forth piteous cries to those who, like the Queen, were ready to sympathise with him. But towards his enemies he bore himself as proudly as ever, as Northampton found to his cost, when he attempted to extract from him some information of which he was in need.[2]

certain new purchased grounds. For the purposes of comparing the value of the property at the two periods, Raleigh's outgoings of 334*l.* 13*s.* 0*d.*, must also be deducted, leaving 681*l.* 13*s.* 8*d.*, or less than the value in 1612. Of course land may have been sold, but of this there is no trace, at least in Hutchins's *Dorsetshire*.

[1] An accusation was brought against Raleigh about this time, by John More, of having offered him a bribe to give false evidence concerning the conveyance. Mr. Sainsbury, who published More's letter in the *Literary Gazette* (New Ser. No. 18), together with the enclosed letter of Raleigh's offering the bribe, pronounces the latter to be a forgery. His suspicions derive confirmation from a sentence taken from a letter of Raleigh's written to Cecil in 1601 (*Add. MSS.* 6177, 187). He there says that More 'writes my hand so perfectly as I cannot any way discern the difference.'

[2] Northampton to Rochester, July 12, 1611, *S. P. Dom.* lxv. 26.

Poor Raleigh paid for his outspoken language by being placed in closer confinement than before;[1] but it is hardly likely that, if he could have known what was coming upon him, he would have consented to purchase a remission of the rigours of his imprisonment by flattering Northampton. He consoled himself as best he could with his books and his chemical experiments. It is to his enforced leisure that we owe the *History of the World*; but we may be sure that he would willingly have surrendered all his fame as an author for one whiff of fresh air on the western seas.

Raleigh remains in prison.

1611.

Whilst Raleigh was longing for escape one great dream of his life was becoming a reality. His had been the fertile brain which had conceived the idea of sending out settlers to Virginia. The first colonists sent out in 1585 were appalled by the dangers of their undertaking, and returned to England with Drake. A second colony landed in 1587, and had subsisted for some time. But the vessels which had been sent to its relief failed in their object, either from accident or negligence. The colony was lost sight of, and when the next vessel appeared to bring help, not a trace of it could be found.

1585. The first colony in Virginia.

1587.

In 1602 an attempt was made by Bartholomew Gosnold to colonise New England, which was then known by the name of Northern Virginia. The enterprise failed, but Gosnold came back fully impressed with the idea of its feasibility. He succeeded in imparting his views to a little knot of men, among whom was the Richard Hakluyt who had devoted his life to the celebration of the deeds of maritime daring by which the last reign had been distinguished. It was of far more importance for the ultimate destinies of the colony that he succeeded in obtaining the co-operation of John Smith. Smith was still a young man, but he had gone through more hardships and adventures than had fallen to the lot of any other Englishman, even in that adventurous age. He had served in the Low Countries against the Spaniards, and in Hungary against the

1602. Gosnold's voyage to New England.

Smith's adventures.

[1] Bennet to Carleton, July 15, 1611, *S. P. Dom.* lxv. 32.

Turks. He had been thrown overboard in a storm in the Mediterranean, by the crew of a French ship in which he was, who imagined that the presence of a Huguenot on board had called down the vengeance of Heaven upon their vessel. He had been taken prisoner by the Turks, and had been sent to serve as a slave amongst the Tartars on the Don. But whatever might happen, he was always able to turn it to account. In the worst dangers, he knew what was the right thing to be done. For such a scheme as that which Gosnold proposed, the presence of such a man was indispensable to success.[1]

For a year, Gosnold and his friends were unable to find means to carry their plan into execution. They were, however, not alone in the hopes with which they were inspired.

Sir Ferdinando Gorges.

In 1605, a ship, commanded by Captain Weymouth, was fitted out by the Earls of Arundel and Southampton. On his return Weymouth brought with him five natives of New England. Sir Ferdinando Gorges, who was Governor of Plymouth, fell in with him, and conversed with him on the countries which he had visited. He took three of the Indians into his house, and obtained every possible information from them. From that time he set his heart upon the colonisation of America. He acquainted Chief Justice Popham with his designs. Popham had always taken a deep interest in the mercantile and maritime enterprises of the time, and readily agreed to ask the King for a charter authorising the proposed undertaking. He became acquainted with Gosnold's desire to carry out a similar enterprise, and both schemes were comprehended in the charter which he obtained.

That charter was dated April 10, 1606.[2] It declared that Virginia extended from the thirty-fourth to the forty-fifth degree of latitude, or, in other words, from what is now the southern boundary of the State of North Carolina to the shores of Nova Scotia. On this ong line of coast two settlements were to be made. Gorges and his

1606. The first Virginian charter.

[1] *The Travels of Captain Smith.* On the general credibility of the narrative, see Palfrey, *Hist. of New England*, i. 89, note.

[2] Hening, *Statutes of Virginia*, i. 57.

friends from the West of England were to choose a place for a colony somewhere in the Northern part of the territory, whilst the London merchants and gentlemen who had listened to Gosnold's persuasion were to confine themselves to the South.

It was necessary to devise some form of government for the two colonies. The rock upon which all former attempts had split, was the difficulty of inducing the spirited adventurers who took part in them to submit to control. The crews of the vessels which had been sent out had been too often bent merely upon making their fortunes. The chance of capturing a Spanish prize had frequently lured them away from the object for which they were despatched, and had ruined the best concerted undertakings. Many of the emigrants carried with them the idea that in America gold lay upon the ground in lumps; and when they discovered, by a bitter experience, the terrible hardships which awaited them amidst hostile tribes on an uncultivated shore, their hearts too often gave way at once, and they could think of nothing but of the easiest way of return.

The instructions for the colonists.

In the hope of providing some authority which might prevent the recurrence of these disasters,[1] a machinery was introduced, which was far too complicated to work successfully. By the side of the company itself, upon which the burden rested of supporting the colonists, and which was to be in exclusive possession of the trade which might spring up in consequence of their settlement, a council was erected in London, the members of which were nominated by the King. This council was entrusted with the general supervision of the colonies. By it were to be appointed the first members of the two colonial councils, and their presidents, to whom was assigned a casting vote in their deliberations. In each colony the really important part of the machinery of government was in the hands of these local councils. They were empowered, after the expiration of the first year, to elect the annual president, and they were to depose him in case of his misconduct. They might fill up all vacancies occurring in their own body,

[1] Instructions, Nov. 20, 1606, Hening, *Statutes of Virginia*, i. 67.

and the whole of the administrative and judicial authority was assigned to them, without any check or control whatever, beyond the necessity—to be interpreted by themselves—of conforming, as closely as was possible under the circumstances, to the laws of England. The criminal law was, however, to be milder than it was at home, as the punishment of death was to be reserved for certain specified crimes of peculiar enormity. On the other hand, it was only in these special cases that a jury was to be allowed to pronounce its verdict; in all others the sentence of the council would be sufficient. Power was reserved to the King to veto the legislation of the councils, and to overrule it by the issue of regulations in England.

American writers have, with one accord, cried out against these instructions, on the ground that they contain no grant or acknowledgment of representative institutions.[1] This complaint, which would have been valid enough if it had only referred to a colony which had once been completely settled, is founded upon a forgetfulness of the difficulties which beset an infant settlement at the commencement of the seventeenth century. The only chance of success for such a colony lay in the introduction of some strong rule by which a check might be put upon the independent action of the settlers. Immediately upon landing, they occupied the position of a garrison in a hostile territory. The folly of a few wild spirits might compromise the safety of the whole community, and it was but seldom that the adventurers of whom it was composed were distinguished either for prudence or self-restraint. In their dealings with the Indians, the utmost foresight was needed. By provoking the native tribes, a danger of hostilities was incurred which might end in sweeping the infant colony into the sea. What was, in reality, the first necessity of the settlement, was not a parliament to discuss laws and regulations, but a governor of sufficient ability to know what ought to be done, and of sufficient authority to persuade or compel the most refractory to yield obedience to his commands.

[1] Smith's *Hist. of Virginia*, 1747, 41. Bancroft, *Hist. of America*, i. 121.

From the want of such a man, the Northern Colony proved a total failure. It was under very different auspices that, after a delay of many years, a permanent settlement was made upon the shores of New England. If the Southern Colony proved more successful, it was in spite of the elaborate arrangements which James had made for its guidance.

Failure of the Northern Colony.

On December 19, 1606, the little company which was destined to succeed where so many had failed, sailed from the Thames in three small vessels.[1] They were in all a hundred and five. The vessels were commanded by a Captain Newport. It was arranged that the names of the colonial council should be kept secret until the arrival of the expedition in America. This precaution had probably been taken to prevent any collision between Newport and the colonial authorities. It was, however, attended with unforeseen results. The chief persons who had engaged in the undertaking were jealous of the abilities of Smith, and absurd rumours were spread among them that he intended to make himself King of Virginia. They, therefore, resolved upon anticipating his supposed design by placing him in confinement ; and they conducted across the Atlantic as a prisoner the man to whom the whole conduct of the enterprise ought to have been confided.

The Southern Colony.

After a tedious voyage, the expedition arrived at the mouth of the Chesapeake. They gave to the headlands between which they sailed the names of Cape Henry and Cape Charles, in honour of the two English princes. As soon as they had landed, they opened their instructions, and found that seven of their number had been appointed to form the council, and that both Smith and Gosnold were included in the number. After some hesitation, they selected a site upon a stream to which they gave the name of the James River, upon which they proceeded to build the town which is known as Jamestown to this day. The first act of the council was to nominate Wingfield, one of the earlier promoters of the expedition, to the presidency, and to expel Smith from their

1607. They arrive in the Chesapeake.

[1] *Purchas*, iv. 1683—1733. Smith's *Hist. of Virginia*, 41.

body. It was not till some weeks had passed that they were persuaded to allow him to take his seat.

In June Newport returned to England with the vessels. As soon as he had left Virginia the troubles of the colonists began. They had arrived too late in the season to allow them to sow the seed which they had brought with them with any hope of obtaining a crop. The food which was left behind for their support was bad in quality, and the hot weather brought disease with it. Nearly fifty of their number were gentlemen, who had never been accustomed to manual labour. Half of the little company were swept away before the beginning of September. Amongst those who perished was Gosnold, whose energetic disposition might, perhaps, if he had survived, have done good service to the colony. To make matters worse, the president was inefficient and selfish, and cared little about the welfare of his comrades, if he only had food enough for himself. The council deposed him ; but his successor, Ratcliffe, was equally incompetent, and it was only by the unexpected kindness of the natives that the colonists were enabled to maintain their existence. As the winter approached, their stock was increased by large numbers of wild fowl which came within their reach. In spite, however, of this change in their circumstances, it was only at Smith's earnest entreaty that they were prevented from abandoning the colony and returning to England.

Difficulties of the settlers.

During the winter Smith employed himself in exploring the country. In one of his expeditions he was taken prisoner by the Indians. Any other man would have been instantly massacred. With great presence of mind, he took a compass out of his pocket, and began talking to them about its wonders. Upon this, the chief forbade them to do him any harm, and ordered him to be carried to their village.

Smith taken prisoner by the Indians.

Whilst he was there he still more astonished his captors by sending a party of them with a letter to Jamestown. They were unable to comprehend how his wishes could be conveyed by means of a piece of paper. At last he was conducted before Powhattan, the superior chief over all the tribes of that part of the country. After a long consultation, it was deter-

mined to put him to death. He was dragged forward, and his head was laid upon a large stone, upon which the Indians were preparing to beat out his brains with their clubs. Even then his good fortune did not desert him. The chief's daughter, Pocahontas, a young girl of ten or twelve years of age, rushed forward, and, taking him in her arms, laid her head upon his, to shield it from the clubs. The chief gave way before the entreaties of his daughter, and allowed him full liberty to return to Jamestown

He is set at liberty.

On his arrival there he found all things in confusion. The president had again formed the intention of abandoning the colony, and was only deterred once more by the energetic exertions of Smith The colonists were also indebted to him for the liberal supplies of provisions which were from time to time brought to them by Pocahontas.

He had not been long at liberty, when Newport arrived with a fresh supply of provisions. He also brought with him about a hundred and twenty men, the greater part of whom were bent upon digging for gold. Smith applied himself to the more profitable undertaking of carrying his explorations over the whole of the surrounding country. The gold-diggers did not add anything to the stock of the community ; and it was only by the arrival of another ship that the colonists were enabled during the summer of 1608 to avoid absolute starvation. Some little corn had, however, been sown in the spring, and it was hoped that, with the help of what they could obtain from the natives, there would be sufficient provision for the winter.

1608. Newport's return.

Shortly after Newport had again left the colony, Smith returned from one of his exploring expeditions. He found the whole colony dissatisfied with the conduct of the incapable president, who, with the exception of Smith, was the only member of the original council still remaining in Virginia. A third member had, however, been sent out from England. This man, whose name was Scrivener, had attached himself warmly to Smith, and, to the general satisfaction of the settlers, the two friends deposed Ratcliffe, and appointed Smith to fill his place.

Smith elected president.

Smith had not long been president when Newport again arrived. The members of the company in England were anxious to see a return for the capital which they had expended. They pressed Smith to send them gold, and threatened to leave the colony to starve, if their wishes were not complied with. The only conditions on which he was to be excused were the discovery of a passage into the Pacific, or of the lost colony which had been founded by Raleigh. They sent him seventy more men, of whom, as usual, the greater number were gentlemen. They expected him to send them home, in return, pitch, tar, soap-ashes, and glass. To assist him in this, they put on board eight Poles and Dutchmen, who were skilled in such manufactures.

He at once wrote home to the treasurer of the company, Sir Thomas Smith, explaining to him the absurdity of these demands. The colonists, he told him, must be able to feed themselves before they could establish manufactures. If any more men were sent out, 'but thirty carpenters, husbandmen, gardiners, fishermen, blacksmiths, masons, and diggers-up of trees' and 'roots,' would be better 'than a thousand of such' as had lately arrived.

Under Smith's rule the settlement passed safely through another winter. The Indians were compelled to respect the rising colony. The greater part of the gentlemen were induced to work heartily, and those who refused were plainly told that if they would not do the work they would be left to starve. It appeared as if, at last, the worst difficulties had been overcome.

The summer of 1609 was drawing to a close, when news arrived in Virginia that a fresh charter had been granted, by which considerable changes were authorised in the government of the colony. The working of the original arrangements had been, in many respects, unsatisfactory. The council at home, which had been enlarged in 1607,[1] had found but little to do, as all practical business connected with the support of the colony was in the hands of

1609. The new charter.

[1] Ordinance in *Hening*, i. 76.

the company. The company itself had proved but ill-fitted to devise the best measures for the maintenance of the settlers. Its members had been too anxious for a quick return for the money which they had laid out, and had been too eager to press the colonists to engage in trade before they had brought under cultivation a sufficient quantity of land for their own support. On the other hand, nothing could be more unsatisfactory than the accounts which they received of the proceedings of the colonial council. It was certain that the whole attempt would prove a failure if the settlement were allowed to be distracted by the disputes and follies of the members of the local government. When the last news was brought to England in 1608, Smith had but just entered upon his office ; and, even if the good effects of the change had already begun to appear, the company was not likely to receive any information which would give them an idea of the value of his services. Those who returned in the vessels which had left Virginia in the autumn were the declared enemies of the new president. Newport especially, who commanded the expedition, had been too often made to feel the superior ability of Smith to be likely to speak many words in his favour.

The company, therefore, in asking for a change in its original charter, was acting in ignorance of the improved state of things in Virginia. The alterations made were, on the whole, calculated to benefit the colony.[1] In the first place, an end was put to the double government. The council in London was from henceforth to take charge as well of the commercial as of the political interests of the colony. Though the first appointments were to be made by the King, vacancies, as they occurred, were to be filled up by the company. Care was taken that, of the fifty-two persons who were named to take their seats in the new council, but a very small number should be engaged in commerce. For some years to come, the arrangement of the intercourse which was to be kept up between Virginia and the mother country would no longer be in the hands of men who were liable to look upon the whole affair as a mere commercial

[1] Second charter, *Hening*, i. 80.

speculation. There would, therefore, be some chance that the necessities of the colonists would be regarded, as well as the pockets of the subscribers. At all events, as long as such men as Bacon and Sandys took part in the deliberations of the council, the colonists were not likely to be again urged to search for gold, under the threat that, if they failed, they would be cut off from all further assistance from England.

It was no less necessary to carry out a thorough reform in Virginia itself. The first thing to be done was to sweep away the colonial council, with its annual presidents. Even had the home government known what was passing in the colony, they could hardly have come to any other conclusion. The accident which had brought about the election of Smith might never again occur, and even during his year of office the council, if its vacancies were filled up, would be rather an obstruction than an assistance to him. By the new charter, the council in Virginia was deservedly swept away, and the council in London received full powers to appoint all officers who were needed for the government of the colony.

Change in the system of government in the colony.

Undoubtedly, the best thing which the new council could have done would have been to have placed Smith at the head of the settlement. But, being ignorant of his true value, they took the next best step in their power. The government of merchants and captains had proved only another name for organised disorder. They, therefore, determined to try the experiment of sending out persons whose rank had made them accustomed to command, and who, if they were under the disadvantage of being new to colonial life, might be supposed to be able to obtain respect from the factions by which the colony was distracted. It was also plain that the settlement must be regarded, at least for the present, as a garrison in a hostile country, and that the new government must be empowered to exercise military discipline. The selections made were undoubtedly good. Lord de la Warr, an able and conscientious man, was to preside, under the name of General; Sir Thomas Gates, one of the oldest promoters of the undertaking, was to act as his Lieutenant; Sir George Somers

Appointment of Lord De la Warr as Governor.

was to command the vessels of the company as Admiral; Sir Thomas Dale, an old soldier from the Low Country wars, was to keep up discipline as Marshal; whilst Sir Ferdinando Wainman was invested with the rather unnecessary title of General of the Horse. Lord de la Warr was to be preceded by Gates, Somers, and Newport, who were jointly to administer the government till the appearance of the General himself.

The whole scheme was well contrived, and if it had been carried out according to the intentions of the council all would have gone well. In May, nine ships sailed, with five hundred fresh men to recruit the colony, and with large stores of provisions.[1] Unfortunately, the ship which contained the three commissioners was wrecked on the Bermudas, and the remaining vessels, with the exception of one which perished at sea, arrived in the Chesapeake with the information that Smith's authority was at an end, but without bringing any new officers to fill his place. To make matters worse, the men who arrived were chiefly a loose and disorderly mob, who had been chosen without any special regard for the requirements of an emigrant's life, and with them were several of Smith's old opponents, who had previously returned to England.

Shipwreck of the Commissioners.

Smith, seeing that no lawful authority had come to replace his own, determined to maintain himself in his post. The newcomers raised unlooked-for difficulties. They not only showed great disinclination to submit to his orders, but they set at naught all the ordinary rules of prudence in their intercourse with the natives. The Indians came to Smith with complaints that his men were stealing their corn and robbing their gardens. He was doing his best to introduce order again amongst these miserable men, when an accident deprived the colony of his services. Some gunpowder in a boat, in which he was, accidentally took fire, and the wounds which he received made it impossible for him to fulfil the active duties of his office. He accordingly determined to return to England, leaving the unruly crowd of settlers to discover by a bitter experience the value of his energy and prudence.

Smith returns to England.

[1] Compare *Purchas*, iv. 1733, with *Smith*.

They were not long in learning the extent of their capacity for self-government. They utterly refused to submit to Percy, who had been elected by the council as Smith's successor.[1] As soon as the natives heard that Smith was gone, they attacked the settlement, and met with but little resistance. The settlers themselves wasted the provisions which should have served for their subsistence during the winter. There was no recognised authority, and every man followed his own inclination. When Smith sailed for England the colony consisted of four hundred and ninety men. Within six months a miserable remnant of sixty persons was supporting itself upon roots and berries.

Wretched state of the colony.

In this extremity, Gates[2] arrived, having contrived to escape in a pinnace from the Bermudas. On May 23, 1610, he landed at Jamestown. He had expected to find a flourishing colony, where he could obtain support for the hundred and fifty shipwrecked settlers who accompanied him. He found famine staring him in the face. The corn which had been sown would not be ready for harvest for months, and the Indians refused to bargain with their oppressors. When he had landed all his little store, he found that there would only be enough to support life for sixteen days. It was therefore determined, by common consent, to forsake the country, as the only means to avoid starvation, and to make for Newfoundland, where the fugitives hoped to obtain a passage to England in the vessels which were engaged in fishing.

1610. Arrival of Gates.

On June 7 the remnants of the once prosperous colony quitted the spot which had been for three years the centre of their hopes, and dropped down the river. Before, however, they had got out into the Chesapeake, they were astonished by the sight of a boat coming up to meet them. The boat proved to belong to Lord de la Warr's squadron, which had arrived from England in time to save the settlement from ruin.

The colony saved by the arrival of Lord De la Warr.

The arrival of Lord de la Warr was the turning point in the

[1] "They persuaded Master Percy to stay . . . and be their president" (*Smith*, 93), must mean that the council persuaded him.

[2] *Purchas*, iv. 1745.

early history of Virginia. He brought provisions upon which the settlers could subsist for a year, and by his authority he was able to curb the violence of the factions which had been with difficulty kept down even by the strong hand of Smith. Peace was restored with the Indians, and the colonists worked willingly under the Governor's directions.

He had not been long in Virginia before ill health compelled him to return. After a short interval he was succeeded by Sir Thomas Dale. Dale introduced a code of martial law.[1] This code was unjustifiably severe, but even that was better than the anarchy which threatened to break out again on Lord de la Warr's departure. A still more advantageous change was brought about under his government. Hitherto the land had been cultivated for the good of the whole colony, and it had been found difficult to make men work heartily who had no individual interests in their labours. Dale assigned three acres of land to each settler. The immediate results of this innovation were manifest. The improvement was still more decided when Gates, who had been sent back to England, returned as Governor, in August 1611, with considerable supplies, of which the most valuable part consisted of large numbers of cattle. From that time the difficulties which had impeded the formation of the settlement were heard of no more.

Sir T. Dale's administration.

[1] *For the Colony of Virginia Britannia, Laws divine, moral, and martial.*

CHAPTER XIII.

THE GREAT CONTRACT.

THE opposition which the proceedings of the Ecclesiastical Courts had raised amongst the judges must have made Salisbury anxious as to the success of the appeal which he was about to address to the House of Commons, which was, as he well knew, animated by a still stronger dislike to those courts. All other means, however, of restoring the finances to a sound condition having been exhausted, it was determined to summon Parliament to meet early in 1610. Unusual precautions were taken to obtain a majority in favour of the scheme which the Lord Treasurer had in preparation. During the long interval which had passed since the last session several vacancies had occurred. To four, at least, of the constituencies which had seats at their disposal Salisbury made applications in favour of nominees of his own. The answers which he received throw some light upon the manner in which elections were at that time conducted. The bailiffs of Eye said that they had already selected a candidate at the nomination of a neighbouring gentleman, but that he had consented to waive his claim, when he heard that a letter had been received from Salisbury.[1] Another of the Treasurer's letters was sent down to Bossiney. It was carried by the mayor to a gentleman named Hender, who wrote to Salisbury, telling him that he had held the nomination for more than twenty years, but that, on this occasion, he was willing to place it at

Parliament summoned.

Elections to vacancies.

[1] Bailiffs of Eye to Salisbury, Oct. 16, *S. P. Dom.* xlviii. 109.

the disposal of the Government.[1] The bailiffs of Boroughbridge answered a similar request by saying that they would rather die than refuse to elect Salisbury's nominee.[2] The corporation of Ludlow alone refused to elect the person designated, as they were bound to choose no one who was not a resident in their town. They would, however, take care that their new member should vote entirely according to the wishes of the Government.[3]

The session commenced on February 9. At a conference on the 15th, Salisbury laid before the House of Commons an exposition of the condition of the Treasury. As was only natural, he laid far more stress on the necessities of the King than on the prodigality by which they had, in a great measure, been caused. Nor did he fail to draw attention to the exertions by which the debt had been reduced to a sum of 300,000*l.*, and the revenue had been brought to within 46,000*l.*[4] of the regular expenses, although the King would need much more to supply his extraordinary expenditure. He begged the Commons not to allow the ship of State to be wrecked at the entrance of the port. He was obliged, in noticing the objection that the King had been too prodigal of his bounty, to fall back upon commonplaces on the necessity of rewarding merit, and to quote the example of other princes whose expenditure had been equally profuse. If the House would consent to assist the King in his need, he would, on his part, be ready to redress all just grievances.[5]

1610. Meeting of Parliament.

In taking the Treasurer's speech into consideration, the Commons decided upon postponing the question of the supply to be granted for the payment of the debt, until they had determined upon some regular support by which the revenue itself might be permanently increased.

Feb. 18. Supply and support.

[1] Hender to Salisbury, Oct. 21, *S. P. Dom.* xlviii. 116.

[2] Bailiffs of Boroughbridge to Salisbury, Nov. 5, *S. P. Dom.* xlix. 10.

[3] Corporation of Ludlow to Salisbury, Dec. 1, *S. P. Dom.* l. 1.

[4] So he said. The difference in the estimate, which is printed in *Parl. Deb.* in 1610, Introd. p. xii., and which is fixed by internal evidence in the beginning of 1610, is 49,000*l.* A few months later it was 56,000*l.*

[5] *Parl. Deb.* in 1610, p. 1. *Harl. MSS.* 777, fol. 1.

Various proposals were made. Amongst others, Thomas Wentworth, the member for the city of Oxford, and son of the Peter Wentworth who had been committed to the Tower by Elizabeth, for the boldness of his language in the House, proposed that the King should be asked to reduce his expenditure.

Feb. 21. The House, however, was not prepared for so strong a measure, and the whole question was referred to the Committee of Grievances. The Committee proposed that the Lords should be requested to state precisely what the King was willing to do. If the Lords refused to do this, the Commons were to ask for leave to treat with the King for the abolition of the feudal tenures, and especially of the whole system of wardship.

It was plain that there was a difference in the manner in which the matter in hand was regarded by those who were principally concerned. Salisbury considered it to be the duty of the Commons to supply the wants of the King, and looked upon the redress of grievances as a favour which was to be granted to them if they performed their duty. With the Commons, on the other hand, the first object was that grievances should be redressed.

In the conference which ensued, Salisbury plainly put forward the demands of the Government. He asked for a

Feb. 24. supply of 600,000*l.*, half of which was to pay off the debt, whilst 150,000*l.* was to be employed in meeting the extraordinary expenses of the navy, and the remainder was to be laid by to be used on any emergency which might arise. He also asked for a permanent support of 200,000*l.* a year, which would give the King an annual income of 660,000*l.*, a sum nearly 50,000*l.* in excess of his whole annual expenditure,[1] provided that that expenditure continued at its present rate, and that his income was not diminished by the concessions which he was prepared to make to the demands of the nation. He was answered, that the supply could only be given by means of subsidies, and that the Lower House always kept such questions

[1] The extraordinary expenses were calculated to amount to about 100,000*l.* But there can be little doubt that this was putting them far higher than was at all necessary.

in its own hands. With respect to the permanent support, the Commons would consider of it. As Salisbury made no proposal to redress grievances, he was distinctly asked whether the Lords would join in requesting the King to give them leave to treat for the surrender of those rights connected with the feudal tenures which were felt to be so oppressive to the subject. He answered that he could not reply without first consulting the Lords. He mentioned, however, several points in which the King's prerogative trenched upon the ease of the subject. He proposed that they should consider whether these might not form part of the contract with the King. Among them was one of the old subjects of dispute, the right of purveyance.

The Commons ask to treat for tenures.

The Lords appointed a Committee to wait upon the King, for the purpose of asking him whether he was willing to treat on the tenures. James told them that he must take time to consider upon a question of such importance.[1]

Meanwhile the Commons were busy with a book which had been published rather more than two years before. It was a law dictionary entitled *The Interpreter*. The author, Dr. Cowell, was the Reader on Civil Law at the University of Cambridge. His work had been brought out under the patronage of Bancroft, and for that reason, if for no other, it was likely to be subjected to minute criticism by the partisans of the common law. It was said—and it is by no means improbable—that the inquiry which was made by the House of Commons was set on foot at the instigation of Coke. The opinions which were contained in the book were such as no House of Commons could fail in pronouncing unconstitutional. If in some places the author took pains to state that he did not put forth these opinions as unquestionable truths, he left no doubt in the minds of his readers to which side his own ideas inclined. Thus, after declaring that he left it for wiser men to decide whether it was binding upon the King to require the consent of Parliament to the enactment of laws, he asserted that the King of England was undoubtedly an absolute King, and pro-

Dr. Cowell's book.

[1] *L. J.* ii. 558.

ceeded to quote authorities in support of the doctrine that to make laws was part of the prerogative of such a King.[1] In another place he stated this opinion still more forcibly. "Of these two," he wrote, "one must needs be true, that either the King is above the Parliament, that is, the positive laws of his kingdom, or else that he is not an absolute King. . . . And, therefore, though it be a merciful policy, and also a politic mercy (not alterable without great peril), to make laws by consent of the whole realm, because so no one part shall have cause to complain of a partiality, yet simply to bind a prince to or by those laws were repugnant to the nature and constitution of an absolute monarchy."[2] In a similar spirit, he put it forth as an opinion held by some, 'that subsidies were granted by Parliament in consideration of the King's goodness in waiving his absolute power to make laws without their consent.'[3]

Interference of the King.

The Commons requested the Lords to join them in calling the King's attention to the book. Before, however, the Lords had time to take any steps in the matter, they were told by Salisbury that the King had summoned Cowell before him, and that he wished him to inform the Commons that he was much displeased with the book. He considered that it impugned the Common Law of England, and the fundamental grounds of the constitution of Parliament, and that in opposing the prerogative to the law the author had attacked both King and Parliament together. If the book had been brought before the King's notice earlier, he would have taken order with it; as it was, he would take immediate steps for suppressing it. Salisbury also reported that the King had acknowledged that although he derived his title from his ancestors, 'yet the law did set the crown upon his head,' 'and that he was a King by the Common Law of the land.' He 'had no power to make laws of himself, or to exact any subsidies *de jure* without the consent of his three estates, and,

[1] Article 'Prerogative,' ed. 1607.
[2] Article 'Parliament.' The article 'King' contains similar doctrines.
[3] Article 'Subsidy.'

therefore, he was so far from approving the opinion, as he did hate those that believed it.'[1]

Soon afterwards, a proclamation appeared commanding the suppression of the book. The House received the news with pleasure, and ordered that thanks should be given to the King for the promptness with which their wishes had been met.

Suppression of the book.

A few days after the King's disavowal of the opinions contained in Cowell's book, Bacon, in the name of the Commons, once more brought the subject of tenures before the Lords at a conference. He begged them to assure the King that, in asking for leave to treat, the Lower House had never intended in any way to diminish the Royal revenues. It was a mistake to suppose that the dignity of the Crown would be in any way affected by the concessions the King was asked to make. The right of wardship was by no means peculiar to Royalty. It was no longer by the feudal tenures that men were under obligations to serve the Crown. The soldiers who had followed the English captains in the late wars had been bound by very different ties from those which compelled a vassal to hold himself in readiness to defend his lord. When the musters were held in the counties of England, men never dreamed of asking whose tenants they were, or how they held their land. All they remembered was that they were the subjects of the King, and this they would never forget if all the tenures in existence were swept away at a stroke. If the change would deprive the King of the right of protecting those who had hitherto been his wards, he must remember that he would only relinquish his claim in favour of the nearest relations of the orphans, who were, above all others, most likely to care for their welfare. Nor would there be the slightest difficulty in providing means by which the misuse of authority by harsh or avaricious relatives might be kept in check. He concluded by requesting the Lords to join the Commons in petitioning the King to give his answer as soon as he conveniently could. The work before them was

March 8. Bacon's speech on tenures.

[1] *Parl. Deb.* in 1610, p. 24. It is curious that no care was taken to record this admission in the journals.

one of great importance, and would require long deliberation. Solomon's temple, he reminded them, was made without noise, but it was not built in one day.[1]

On March 12, the Commons received a favourable answer from the King to their demand. On the 26th, the Committee to which the subject had been referred, proposed that the King should give up all the emoluments resulting from the feudal tenures, with the exception of the aids, which were due upon the knighting of the King's eldest son, and upon the marriage of his eldest daughter. For this, and for the remission of the claims which Salisbury had proposed to abandon, they offered no more than 100,000*l.* Such an offer was not likely to be acceptable to the King, The concessions he was required to make would probable be equivalent to a deduction of more than 40,000*l.* from his revenue,[2] and he would be left with a total income of 520,000*l.* Such a sum was certainly insufficient to meet an expenditure of 600,000*l.* The Commons, however, believed that much of this expenditure was unnecessary, and they had not realised the impossibility of any sovereign coming after Elizabeth being as economical as she had been. Their view of the cast, however, was not likely to meet with acceptance at court. Salisbury told them that so far from 100,000*l.* being sufficient, the King would not now accept even 200,000*l.* unless they also made up to him the loss which his revenue would sustain if he yielded to their demands. He may perhaps have thought that he had more chance of getting what he wanted by asking more than he expected to get.[3] On May 4, however, the Commons disappointed him by refusing his terms; and the negotiations were, in consequence, brought to an end for the time.

The Commons receive leave to treat on tenures.

They offer 100,000*l.*

A few days before the Great Contract, as it was called, was thus broken off, Sandys reported on behalf of the Committee which had been occupied ever since the beginning of the session in drawing up the Petition

The Petition of Grievances.

[1] *Letters and Life of Bacon*, iv. 163.

[2] Sir J. Cæsar estimated the King's loss at 44,000*l.* (*Parl. Deb.* in 1610, p. 164).

[3] *Parl. Deb.* in 1610, p. 146.

of Grievances, that they had arrived at the question of the impositions which had been passed over so unceremoniously in the last session. He asked that search might be made for precedents bearing on the subject. Accordingly, on the following day, certain members, amongst whom was the well-known antiquary Sir Robert Cotton, were named for the purpose. On May 11, however, before they had made their report, the Speaker informed the House that he had received a message from the King, to the effect that if they intended only to take into consideration the inconveniences alleged to result from any particular imposition, he would readily hear their complaints; but that if they were about to discuss his right to levy impositions in general, they must remember that the Court of Exchequer had given a judgment in his favour. He therefore commanded them to refrain from questioning his prerogative.[1]

The Commons forbidden to discuss the impositions.

As soon as the Speaker had finished, Sir William Twisden, who knew that the King had been absent from London for a week, asked him who gave him the message. The Speaker confessed that he had not received it from the King, but from the Council. Upon this a resolution was passed, that what had just been heard should not be received as a message from the King. James was at first greatly displeased, but, upon further consideration, he forbore to press the point. Scarcely had this episode come to an end, when both Houses were summoned to Whitehall, to meet the King, who had come back to London upon hearing of the resistance with which his message had been received.[2] He began by reminding them that they had been now sitting for fourteen weeks, and had as yet done nothing towards the relief of his necessities. As for the impositions, he was perfectly justified in what he had done. He would, however, engage not to lay any more, at any future time, without hearing

May 21. The King's speech.

[1] *Cott. MSS.* Tit. F. iv. fol. 255. See also *C. J.* i. 427, and *Parl. Deb.* in 1610, p. 32.

[2] Abstract of the King's Speech, *S. P. Dom.* liv. 65. *Parl. Deb.* in 1610, p. 34. *Harl. MSS.* 777, fol. 27 a.

what both Houses had to say respecting the proposed increase of taxation. But he refused to be bound by any opinion which they might then express. The Kings of Spain, France, and Denmark had the right of levying impositions, and why should he not do as they did? He would not have his prerogative called in question.

Next morning the House met in high dudgeon.[1] Sir Francis Hastings declared that the King might as well have claimed a right to dispose of all their properties. He therefore moved for a Committee to consider how they might obtain satisfaction. It was in vain that Sir Julius Cæsar, now Chancellor of the Exchequer, advised that they should be content to take the law from the judges. The motion for the appointment of a Committee was carried without a division. The Committee met in the afternoon. Fuller and Wentworth maintained the right of Parliament to discuss all questions which concerned the commonwealth. Bacon answered by quoting precedents from the time of the late Queen, in which the House had undoubtedly allowed its discussions to be interfered with by the sovereign. He said that the House might always discuss matters which concerned the interest of the subject, but not matters which related to the prerogative. He therefore recommended that the impositions should be complained of as grievances, but that the King's power to impose should not be called in question. Those who answered him were not very successful in dealing with Bacon's precedents, as it was difficult to get rid of the fact, that Elizabeth had often prevented the House from meddling with her prerogative. But on the general merits of the case, their reply was unanswerable. They argued, that if they had a right to discuss grievances which bore hardly upon individuals, much more had they a right to discuss a grievance which bore hardly upon the whole commonwealth.

May 22. A committee appointed to consider the King's speech.

A petition of right was accordingly drawn up, in which the Commons declared that they could not be prevented from

[1] The debate in the House in the morning is reported in *C. J.* i. 430. The afternoon debate in Committee will be found in *Parl. Deb.* in 1610, p. 36.

debating on any matter which concerned the rights and interests of the subject. They had no intention of impugning the King's prerogative; but it was necessary for them to ascertain what were its true limits, as there was a general apprehension that upon the same arguments as those upon which the judgment in the Exchequer had been founded, the whole property of the subject might be confiscated at the will of the sovereign. Accordingly, they prayed to be allowed to proceed in their inquiries, in order that the matter being settled once for all, they might be able to pass on to his Majesty's business.[1]

A petition of right.

A deputation was sent with this petition to the King at Greenwich. He received the members most affably. He had found that he had gone too far, and he was anxious to draw back. He pretended that in the message delivered by the Speaker he had only intended that the House should not debate on the impositions till he returned to London. His own speech had been misunderstood. He meant to warn them against impugning his prerogative, which they now declared that they had no intention of doing. He had no wish to abridge any of their privileges, and he gave them full liberty to consider the whole question. He only hoped that they would not forget his wants, and that they did not intend to take with one hand what they gave with the other.[2]

May 24. The King gives way.

The Commons were well satisfied with this answer, and at once agreed to take the contract into further consideration. For the moment, however, they were occupied with other matters. News had arrived of the murder of Henry IV. by the fanatic Ravaillac. For this atrocious crime the English Catholics were to pay the penalty. The House saw in it an attempt similar to that by which their own lives and that of their sovereign had been endangered five years before, and they dreaded its influence upon the minds of those who might be prepared to imitate the

The contract resumed.

Murder of Henry IV.

[1] *C. J.* i. 431.

[2] *Ibid.* i. 432. Report of the King's Answer, *S. P. Dom.* liv. 73. *Parl. Deb.* in 1610, p. 41.

example of the assassin. They knew of no other way to meet the danger than that which had long been tried in vain. They accordingly petitioned the King to put in execution the laws against recusants. In this they were joined by the Upper House. James thanked them, and promised to comply with their wishes. An Act was also passed, ordering that all English subjects without exception should take the oath of allegiance, and for the first time imposing a penalty upon married women who were recusants. If they refused to take the Sacrament in the Church of England they were to be imprisoned, unless their husbands were willing to pay 10*l.* a month for their liberty.

The Commons petition against recusants.

The House was proceeding to debate the contract, when they were again interrupted to witness a ceremony which must have come like a burst of sunshine in the midst of these unsatisfactory disputations. On June 4, in the presence of both Houses, Prince Henry was solemnly created Prince of Wales. He was now in his eighteenth year, and he had already won the heart of the whole nation. In his bright young face old men saw a prospect of a return to the Elizabethan glories of their youth. His mind was open to all noble influences, and, if he had lived, he would have been able to rule England, because he would have sympathised, as his father never did, with all that was good and great in the English character. No doubt there was much which was wanting to make him a perfect ruler. Prudence and circumspection are not the qualities which manifest themselves in boyhood ; but these would have come in time. His thoughts, even in his childhood, had been filled with images which presaged a stirring life. There was nothing prematurely old about him, as there had been in his father's earlier years. When he first came to England, he talked of imitating the Plantaganets when he should be a man, and of leading armies to the conquest of France. These dreams passed away, and he threw himself heart and soul into the tales of maritime adventure which were so rife in England. In everything that concerned ships and ship-building he took a peculiar interest Nothing, however, marks the soundness of his character more

Creation of the Prince of Wales.

than the steadfastness with which he remained constant to those whom he admired. Alone, in his father's court, he continued to profess his admiration of the unfortunate Raleigh. No man but his father, he used to say, would keep such a bird in a cage. The man to whom he owed the greater part of his knowledge of shipping was Phineas Pett, one of the King's shipwrights. On one occasion a complaint was made against Pett, and he was examined in the presence of the King. During the whole of the examination the Prince stood by his side to encourage him, and when he was pronounced innocent of the charge which had been brought against him, was the first to congratulate him on his success, and to give utterance to a boyish wish that his accusers might be hanged.[1] We can readily imagine that, as long as the Prince lived, the House of Commons were able to look with hope to the future, and that the ceremony which they were called to witness must have inclined them not to deal harshly with the King's demands, in the hope that the crown would sooner or later rest upon a worthier head.

Salisbury demands a supply.

On June 11, Salisbury addressed the Commons on the subject of the contract. He proposed that they should at once grant a supply to pay off the debt, and to meet the deficit caused by the current expenditure. The support was to be deferred till the next session, which would commence in October. The annual sum required by the King was now distinctly stated to be 240,000*l.*, which, allowing for the loss he expected to suffer, was equal to the 200,000*l.* which he had originally demanded. He also wished them to defer the presentation of their grievances to the following session. He told them that the impositions had been examined, and that several had been altogether remitted, at a yearly loss to the Crown of 20,000*l.*[2]

The proposal that the presentation of the Petition of Grievances should be postponed met with little favour in the House of Commons. In spite of messages sent by the King,

[1] Birch, *Life of Henry, Prince of Wales*, p. 157.

[2] *Parl. Deb.* in 1610, pp. 52, 154, 165. See the Commission to draw up a new book of rates, Sept. 5. *Patent Rolls*, 8 *James I.*, part 30.

assuring them that he would hear their grievances, and give them an answer before the prorogation, they steadily refused to vote any money till they had completed their petition.

On June 23 the House resolved itself into a Committee, in order to consider the question of the impositions. The debate, which lasted for four days, was left almost entirely in the hands of the lawyers. Even Sandys, who was usually heard on every important occasion, sat silent. The speakers on both sides seem to have had a horror of general reasoning. The Crown lawyers repeatedly called upon their antagonists to remember that they were debating a question of law and fact, into which they had no right to introduce political arguments. The popular speakers readily followed them upon this ground, and carefully fortified their case with quotations of statutes and precedents. If they ever strayed away into a wider field, it was only after they had completed the structure of their main defences, and were provoked to reply to some dangerous assertion of their antagonists. The line of argument, which was thus adopted at the commencement of the great constitutional battle, was steadily maintained during a struggle extending over a period of eighty years. Those who made use of it have obtained much unmerited praise, and have incurred much unmerited obloquy. Englishmen are too often inclined to represent the course taken by their ancestors as an example which should be invariably followed by other nations, and have been ready to sneer at statesmen who have adopted, under totally different circumstances, a totally different system of political reasoning. French writers, on the other hand, are continually tempted to look down upon an opposition which contented itself with appealing to the practice of former ages, and with investigating the laws of one particular nation, but which shrank from putting forth general principles, which might be a guide to all nations for all time. In fact, English Conservatism was as much the consequence as the cause of political success. Our ancestors did not refer to precedents merely because they were anxious to tread in the steps of those who went before

The debate on impositions based upon precedents.

them, but because it was their settled belief that England had always been well governed and prosperous. They quoted a statute not because it was old, but because they knew that, ninety-nine times out of every hundred, their predecessors had passed good laws. From this feeling grew up the attachment which Englishmen have ever shown to the law of the land. Knowing that, whatever defects it might have, those defects were as nothing in comparison to its merits, they took their stand upon it, and appealed to it on every occasion. It was an attachment not so much to law in general as to the particular law under which they lived.

Difficulty of interpreting the precedents.

It must not, however, be supposed that the two parties were quarrelling about the mere letter of the law. The letter of the old statutes was singularly confused and uncertain, and could only be rightly interpreted by those who entered into the spirit of the men who had drawn them up. Differences of opinion on the form of government which was most suited for the seventeenth century were sure to reappear in differences of opinion on the form of government which had actually existed in the thirteenth and fourteenth centuries, and would make themselves felt in any attempt to educe a true meaning from the early statutes. These differences were none the less felt because they did not on either side find their expression in any well-defined system of political opinion. Both parties agreed that there were certain definite functions which belonged to the King alone, and that there were other definite functions which belonged only to the House of Commons. But the great majority of the Lower House were beginning to feel that when any difference of opinion arose on any important subject between the King and the Commons, it was for the King, and not for themselves, to give way. A few, however, with Bacon at their head, thought that the King ought to be, at least in a great measure, independent of the House of Commons. In looking back to the past history of their country, both parties allowed their view of the old constitution to be tinged with colours which were derived from their own political opinions. As might be expected, when such a history as that of England

Opposite views of constitutional law.

was in question, those who were the best politicians proved also to have the most accurate knowledge of history. Both parties, indeed, made one mistake. It is impossible to read the arguments which were used in the long debate without perceiving that all the speakers agreed in attributing to the constitution of the thirteenth and fourteenth centuries far more of a settled character than it in reality possessed. They all seem to have imagined that on important points there was some fixed rule to which all had assented, the contravention of which was known to be a breach of constitutional law.[1] They failed to seize the true character of the epoch as a time of struggle during which the idea of law was gradually evolving itself in the midst of a conflict of opposing wills. But the popular party had the better of their adversaries in this, that what it alleged to have been the acknowledged law of that period was in reality the system upon which the constitution was finally moulded after the conclusion of the struggle, and towards which, during its continuance, every step taken in advance was constantly tending ; whereas the powers claimed for the Crown had gradually sunk under the unintermitted protests of the nation, and had been finally, by universal consent, either explicitly given up or tacitly abandoned, till they had been in part regained under very different circumstances during the reigns of the Sovereigns of the House of Tudor.

If the popular party was right in its interpretation of the spirit of English history, it would have been strange if they had been unable to meet their opponents on merely technical grounds. Careless as the early Parliaments had been of laying down general principles, it would have been very remarkable if in the course of a century and a half they had not dropped some words which could be understood as a bar to all future attempts of the King to exercise the right of lay impositions in

[1] Besides the notes in *Parl Deb.* in 1610, we have in the *State Trials* (ii. 395) part of Bacon's speech, with the speeches of Hakewill and Whitelocke, the latter erroneously attributed to Yelverton ; and in *Cott. MSS.* Tit. F. v. fol. 244, Doderidge's speech ; and at fol. 242 a speech of Crompton's which was probably delivered on this occasion.

general, although at the time they were only occupied in defeating certain particular exactions.

The two statutes upon which the greatest weight was justly placed were the Confirmation of the Charters by Edward I., and another Act passed in the reign of his grandson. The Act of Edward I. declared, 'that for so much as the more part of the Commonalty of the Realm find themselves sore grieved with the maltolt of wools, that is, to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we at their request have clearly released it, and have granted for us and our heirs that we will not take such things without their common assent and good-will, saving to us and our heirs the custom of wools, skins, and leather granted by the Commonalty aforesaid.'[1] Bacon, and those who followed on the same side, urged that this statute did not take away the original right of the Crown, because the words, 'such things' were applicable only to the wool mentioned at the beginning of the sentence. He was answered by Hakewill, who argued that if the words were meant to apply to wool alone, it would have been absurd to insert a clause saving the customs on skins and leather. The other statute[2] stated that the Commons having petitioned against the duties which had lately been imposed upon lead, tin, leather, and woolfells, the King prayed the Parliament to grant him certain duties for a limited time, and promised that, at the expiration of the term, he would only exact the old custom on the wool and leather. Bacon argued, from the King's silence regarding lead and tin, that the imposition upon these articles was intended to continue. Fortunately, Hakewill was able to quote from a later paragraph that 'the King hath promised not to charge, set, or assess upon the custom but in the manner aforesaid.'

Statutes quoted.

Even as an interpretation of the mere letter of the statute, Bacon's view of the case is manifestly inferior to that of Hakewill; but if the Acts are read in the spirit of the times in which they were drawn up, the superiority of the popular party be-

[1] 25 Ed. I. Confirm. Cart. cap. 7.
[2] 14 Ed. III. stat. i. cap. 21.

comes still more undoubted. The words in which these old contracts between the Kings of England and their Parliaments were drawn up were undoubtedly loose, but their intention was manifest. If the Commons only spoke of the impositions on wools, woolfells, and leather, from which they suffered, there could not be the slightest doubt that they would have had equally invincible objections to any other form of imposition. That after a long struggle the King gave up the point, and did not attempt to shift the duties from wool to some other articles of commerce, plainly shows that he understood the meaning of the words that were used better than the lawyers who attempted two hundred years afterwards to fix their own sense upon them.

Among the many speakers on the popular side, Hakewill has the credit of having been the first to establish that the Commons were technically in the right. He was no less successful in meeting an argument which was drawn from the supposed necessity of the case. It was said, that if foreign princes laid burdens upon English commerce, it would be necessary to retaliate by laying similar burdens upon the importations into England of the produce of their dominions. This must be done at once, and there would be no time to summon a Parliament.[1] Hakewill[2] answered by denying that it was likely that the negotiations, which were sure to be entered upon when the quarrel first arose, would be so quickly despatched as to allow no time for summoning Parliament. But the answer of Whitelocke,[3] a member who had entered Parliament for the first time in this session, went straight to the point. "This strain of policy," he said, "maketh nothing to the point of right. Our rule is, in this plain commonwealth of ours, that no man ought to be wiser than the laws. If there be an inconvenience, it is fitter to have it removed by a lawful means than by an unlawful. But this is rather a mischief than an inconvenience, that is, a prejudice *in presenti* of some few, but not hurtful to the commonwealth. And it is more tolerable to suffer a hurt to some few for

Argument on the King's prerogative of regulating trade.

[1] Carleton's argument, *Parl. Deb.* in 1610, 61.

[2] *State Trials*, ii. 476. [3] *Ibid.* ii. 518.

a short time, than to give way to the breach and violation of the right of the whole nation—for that is the true inconvenience ; neither need it be so difficult or tedious to have the consent of Parliament, if they were held as they ought or might be."

Argument on the King's right to restrain merchants,

Another argument had been put forth by Bacon, which was hardly likely to meet with acceptance. The King, he reasoned,[1] had power to restrain goods from entering the ports, and if he might prohibit their entrance, he might continue the prohibition until a certain sum was paid. This reasoning was adopted by Yelverton, who made it the main staple of his speech. He had lately given offence to the King by some words which he had uttered in the course of the last session, but he had sought forgiveness, and had received a promise of the royal favour. He now came forward as the most thoroughgoing advocate of the prerogative in the House. The law of England, he told the astonished Commons,[2] extended only to low-water mark. Beyond that, everything was subject to the law of nations, which knew nothing of either statute or common law. All things upon the sea being thus within the King's immediate jurisdiction, he had a right to restrain them from approaching the shore. Bate's imposition was consequent upon a restraint of this kind. He was told, "You shall bring no currants ; if you do, you shall pay so much." He concluded by repudiating a doctrine which had been maintained by those who had spoken on the same side. It was not true, he said, that, if the impositions were excessive, the judges might interfere. No man could meddle with them but the King himself.

Answered by Martin and Whitelocke.

Yelverton was answered by Martin, the member for Christchurch, who told him that Englishmen 'were, by the constitution of' the kingdom, entitled to be judged by the law of England. The merchants' liberty and riches were 'upon the sea.' He had as 'good right to plough the sea as the ploughman had to plough the land. The common law' extended 'as far as the power of the King.' It

[1] *Letters and Life*, iv. 199. [2] *Parl. Deb.* in 1610, 85.

was 'as the soul in the body. The liberty of the seas' was 'parcel of the liberty of the subject.'

Whitelocke, who had shown that he could quote precedents to better purpose than any of the Crown lawyers, grounded his opposition on higher principles than any which they could allege in their defence. With them the King was the possessor of certain definite rights, which he might enforce without considering whether the country suffered from them or no. With Whitelocke, on the other hand, the King only held them in trust for the commonwealth, in the interest of which those rights must be interpreted. 'The premises of the arguments of his opponents,' he said, 'are of a power in the King only fiduciary, and in point of trust and government;' but their conclusion inferred 'a right of interest and gain.' If the King had the custody of the ports, it was in order that he might 'open and shut upon consideration of public good to the people and state, but not to make gain and benefit by it.' "The ports," he added, "in their own nature are public, free for all to go in and out, yet for the common good this liberty is restrainable by the wisdom and policy of the Prince, who is put in trust to discern the times when this natural liberty shall be restrained. . . In point of government and common good of the realm he may restrain the person. But to conclude therefore he may take money not to restrain, is to sell government, trust, and common justice, and most unworthy the divine office of a King." [1]

There could be no doubt which opinion would carry the day within the walls of the House of Commons. Not only were the arguments of those who opposed the claim of the King far superior to those of their adversaries, but the House instinctively felt, as soon as the question was fairly put before it, that its whole future existence was bound up with the arguments of the popular speakers. If the King was justified in what he had done, he might in future raise far larger sums in a similar manner, and obtain a revenue which would make it unnecessary for him, except on rare occasions, to consult his Parliament. Bacon

The House almost unanimous against the Crown.

[1] *Parl. Deb.* in 1610, 153.

and his friends did not divide the House. A Committee was appointed to draw up a petition which was to be inserted in the general petition of grievances.

On July 7, the grievances were presented to the King.[1] James, on catching sight of the long roll of parchment upon which they were written, called out that it was large enough to serve for a piece of tapestry. He promised to give an answer in a few days. Accordingly, on the 10th, in the presence of both Houses, after Salisbury had given an account of the manner in which the impositions had been set, and had justified himself with regard to the part which he had taken in the matter, James gave his answers to some of the grievances, reserving the others for a future day. With most of his answers the Commons were well satisfied. On the subject of the impositions he proposed a compromise. He would retain those which had been already set, but he would give his consent to an Act by which he should be prohibited from levying any similar exactions for the future.

The petition of grievances.

The next day, the House resolved to grant a supply; but in spite of all the exertions of the Court party, they refused to give more than one subsidy and one fifteenth. This would be sufficient to meet the most pressing necessities of the Government, and they were anxious not to give too liberally till the points in dispute between them and the King were finally settled. It would be well that, at the commencement of the following session, the King should still feel it necessary to look to them for the payment of his debts. In the course of the debate, one member was heard whispering to his neighbour, that the limitation of the supply would do the King good, and would serve as a subpœna to bring him to answer for himself when he was wanted.

Grant of a subsidy.

In accordance with the King's wishes, a Bill[2] was brought in, enacting that no imposition should hereafter be laid without the consent of Parliament, other

The Bill on impositions.

[1] *Parl. Deb.* 1610, 123. The whole petition is in Petyt's *Jus Parliamentarium*, 318. The reprint in the *State Trials* is imperfect.

[2] *Parl. Deb.* in 1610, 162. The Bill there printed is from the draft made at its reintroduction in the next session.

than those which were already in existence. This Bill was dropped in the House of Lords: probably, in order that it might stand over till the next session, when it would form a part of a general settlement of all questions pending between the Crown and the House of Commons.

The contract concluded.

The Lower House now set itself to work upon the contract. On June 26, Salisbury announced that the King was ready to accept 220,000*l.*[1] On July 13, the Commons answered by proposing to give 180,000*l.* Salisbury was indefatigable in attempting to bring the King and the House to terms.[2] At last he succeeded in inducing both to give way. The Commons consented to advance their offer to 200,000*l.*,[3] which James agreed to accept. As, however, they had now included in the concessions for which they asked the purveyance and other matters which had been originally put forward by Salisbury, the actual increase of the King's revenue, after accounting for the late diminution in the impositions, would have amounted to about 100,000*l.*,[4] giving him, in all, about 560,000*l.* a year, an amount which ought to have been sufficient for his wants, though it was considerably less than the sums which he had lately been spending.

A memorial was accordingly drawn up, in which the Commons promised to give the sum upon which the parties to the contract had finally determined. In whatever way they might agree to raise it, it 'should have these two qualities: one, that it should be a revenue firm and stable; another, that it should not be difficult in the levy.' They were, however, determined that not a penny should be laid upon the food of the people. A list was also drawn up of the concessions which were to be granted by the King, in which, in addition to the

[1] *C. J.* i. 444.

[2] Aston to ——, July 24, *S. P. Dom.* lvi. 42. [3] *C. J.* i. 451.

[4] Cæsar makes it only 85,000*l.*, before deducting the 20,000*l.* for the decrease in the impositions; but this appears to be much too little (*Parl. Deb.* in 1610, p. 164). The King valued the Purveyance and the Wards at 80,000*l.*, which would have left 120,000*l.* if no other concessions had been made.—*C. J.* i. 444. This 80,000*l.* represents rather what might be made of these sources of revenue, than what they actually produced.

tenures and wardships, were named a considerable number of points in which the law or the prerogative pressed hardly upon the subject. Parliament was to meet in October to decide upon the mode in which the required sum was to be levied.

Regarded from a merely financial point of view, the arrangement was excellent. It is difficult to say which of the two parties to the bargain would have gained most if it had been finally carried out. To the King, it would have brought an increase of income of about 100,000*l.*,[1] and with the exercise of some economy, might have enabled him to meet his expenditure for some time to come. Yet the tax-payers would have gained even more than the sum which the King lost by his concessions. An enormous amount of money was intercepted by the lawyers, in consequence of the disputes which constantly turned on questions connected with rights now to be abandoned for ever; and the annoyance caused by these disputes was almost as bad as the loss of the money actually spent upon them.

The memorial was presented to the House of Lords on July 21. Two days later, the King came down to prorogue Parliament. Before he did so he ordered that the clerk should read his answer to those grievances which he had reserved for further consideration. Upon this answer, in all probability, the future fate of the contract depended. If the King gave way on the points of which the Commons complained, every cause of variance between him and the House would have been at once removed, and he would have found no opposition to his demands during the next session. The Commons seem to have taken it for granted that they would receive a favourable answer, for they inserted in the memorial, as an argument by which they hoped to convince their constituents of the wisdom of their course in assenting to the contract, that they had obtained a gracious answer to their grievances.

The King's answer to the grievances read.

Unfortunately, the main question in dispute was not of a nature to render an agreement probable. Was it likely that, after a steady refusal during so many years to alter the existing

[1] *L. J.* ii. 660.

system of ecclesiastical government, James would give way at last? Nothing less than this would content the Commons. They knew the importance of their demand, and, until it was granted, they could never be expected to render a hearty support to the Crown.

Ecclesiastical grievances.

To their request that the deprived ministers might again be allowed to preach, provided that they abstained from criticising the institutions of the Church, James at once refused to listen. No Church, he said, had ever existed which allowed ministers to preach who refused to subscribe to its doctrine and discipline. If there were any particular cases where he could, without injury to the Church, reverse the sentence which had been pronounced, he should be glad to hear of them. To the old grievance of pluralities and non-residence he answered that it was impossible to do everything at once, but that he would order the Bishops to see that every minister who had two benefices supplied a preacher to instruct the people in his absence. To the complaint that excommunications were inflicted for trifling offences, he replied that the Bishops had agreed not to excommunicate for contumacy as soon as the Parliament would pass a statute inflicting some other punishment upon that offence. He said that he would himself examine into the working of the Ecclesiastical Commission, and would take measures for preventing the recurrence of any irregularity which might have occurred. They knew how anxious he had been to settle the vexed question of prohibitions, and he hoped to bring the matter to a final settlement, in which the rights of the temporal courts should not be neglected.

It is evident that these answers were intended to be conciliatory, and that James imagined that he had done his utmost to satisfy the Commons ; but it is also evident that he had yielded nothing which they were likely to accept. What they required was, that the exercise of the power of the Ecclesiastical Courts should be limited by statute, so that a barrier might be raised against any future encroachments of the clergy. What he offered was, that he would himself see that no abuses were committed. Even if they could trust him to decide rightly

on such complicated questions, what assurance had they that all the restrictions which he might place upon the courts might not at any moment be swept away?

The four shires.

Two other grievances related to civil affairs. There had long been a complaint that the inhabitants of the four counties which bordered upon Wales had been subjected to the jurisdiction of the President and Council of Wales. The gentlemen of these counties had protested vigorously, as they were thereby deprived of the influence which, in other parts of the kingdom, they were accustomed to exercise in courts of justice. There was some doubt whether the statute under which the jurisdiction was exercised really bore the interpretation which had been put upon it. To the demand of the Commons that he would exempt the four counties from the jurisdiction of the Council, James answered that he must make further inquiries before he could determine upon a subject of such difficulty.[1]

Proclamations.

The other grievance was of greater constitutional importance. Since the accession of James, proclamations had been issued far more frequently than had been the custom in the preceding reign. Nor were they confined to the simple enunciation of the duty of the subject to obey the law. Some of them, as the Commons with justice complained, condemned actions which were forbidden by no existing law; others imposed penalties greater than those which were authorised by law, or prescribed that the accused persons should be brought before courts which had no right to try the offence. If these proceedings were not checked, the powers of legislation would, to all intents and purposes, fall into the hands of the King. James promised to be more careful in future, but he claimed a right of still issuing proclamations which went beyond the law, in cases of emergency, when no Parliament was sitting which could remedy the inconvenience. He engaged, however, to consult his Council and the judges on the subject, and to cause the proclamations already issued to be amended.

[1] The whole question is treated at some length by Mr. Heath in his introduction to the 'Argument on the Jurisdiction of the Marches,' in vol. vii. of Bacon's Works.

Immediately after these answers had been given, Parliament was prorogued, and the members dispersed to their several constituencies, to give an account of their conduct, and to ask the support of the nation in the measures which it would be necessary to take in apportioning the new burdens which were to be laid upon the country.

The members give an account of their conduct to the constituencies.

Of these conferences, excepting in one single instance, we know nothing. The electors of Leicestershire expressed their readiness to see the contract carried into effect, provided that the bill for abolishing impositions were passed, and a more satisfactory answer were given to the petition of grievances.[1] It is likely enough that in other parts more stress was laid upon the removal of grievances, and less upon the fulfilment of the contract. Partly through the fault of Salisbury, but still more through the fault of James, the Government and the country had lost touch, and the attempt to settle the King's revenue by bargain only brought out into stronger relief the separation of feeling which divided the nation from its rulers. When once attention had been directed, not to the necessity of furnishing the King with the means of carrying out national objects, but to the largeness of his personal expenses, the inevitable consequence was that the eyes of the constituents would be directed in the first place to the fact that the King would gain more than he gave, and this would be in itself sufficient to make the contract the theme of disparaging remarks in every quarter of the country.

[1] *Parl. Deb.* in 1610, p. 130.

CHAPTER XIV.

THE BREACH WITH THE COMMONS.

WHILST James and the Commons were struggling over the Great Contract, events were occurring on the Continent which portended the outbreak of a European conflagration. To the statesman of the early part of the seventeenth century Germany was what Spain became under the feeble rule of Charles II., and what the Turkish empire is to the politicians of the present day. It was there, if anywhere, that the outburst of smouldering passions would endanger the existing political system of Europe. Yet it was unfortunately far more easy to point out the causes of the malady than to remove them. The Reformation had come upon Germany before its national consolidation had been effected; and to the difficulty of deciding whether its population was to be Protestant or Catholic was added the difficulty of deciding where the power of settling the question really lay.

Troubled state of Germany.

1517. The Reformation in Germany.

In 1555 the preliminary question was resolved by the Peace of Augsburg. The lay princes were to be allowed, without fear of opposition from the Emperor, to introduce Lutheranism into their territories. On the most important subject of the day, the central government of the Empire relinquished its claim to be heard.

1555. *Cujus Regio, ejus Religio.*

The maxim that the religion of a country belongs to him to whom the country itself belongs, which was thus adopted as the basis of the ecclesiastical settlement of the Empire, is seldom mentioned at the present day without obloquy. It has been

forgotten that it was once a landmark on the path to freedom. For it was directed not against the religion of individuals, but against the jurisdiction of the Emperor. It was in the nature of things that local toleration should precede personal toleration, and that before the claims of the individual conscience could be listened to, the right of each State to resist external dictation should obtain recognition. That it was the duty of the lawful magistrate to suppress false religion was never doubted. The only question was who the persecutor was to be.

The smallness of the German territories was undoubtedly conducive to theological bitterness. Nowhere were clerical coteries so narrow-minded, nowhere was the circle of orthodoxy fenced about with such subtle distinctions as in these petty states. But the same cause which narrowed the creed and soured the temper of the court divines, rendered the lot of the defenders of uncourtly opinions comparatively easy. It was better to be persecuted in a State of which the frontier was only ten miles from the capital than in a huge kingdom like France or England. If the Emperor had won the day, and had imposed a uniform creed upon the whole of Germany, escape would only have been possible at the expense of exile in a foreign land. Banishment from Saxony or Bavaria was a very different thing. In a few hours the fugitive Lutheran or the fugitive Catholic would be welcomed by crowds who spoke the same mother tongue with himself, and would be invited by a friendly prince to enjoy at once the satisfaction of martyrdom and the sweets of popularity.

If the States of Germany had all been in the hands of laymen, it is not unlikely that the treaty of 1555 would have been accepted as a final settlement. Though Lutheranism alone had been recognised by it, it is hardly probable that any serious difficulty would have been caused by the defection of several of the princes to Calvinism.

The ecclesiastical reservation.

The rock upon which the religious peace of Germany was wrecked was the ecclesiastical reservation. A stop was to be put to the further secularisation of the Church lands ; yet it was hardly wise to expect that this stipulation would be scrupulously observed. Under the cover of sympathy with the

Protestant inhabitants of the ecclesiastical districts, the princes were able to satisfy their greed of territory, and the remaining abbeys and bishoprics in the North of Germany were, under one pretext or another, annexed by their Protestant neighbours.

At last a check was placed upon these encroachments. An attempt to secularise the ecclesiastical electorate of Cologne and the bishopric of Strasburg ended in total failure. The prelates, whose lands stretched almost continuously along the banks of the Rhine, were too near to the Spanish garrisons in the Netherlands to be assailed with ease.

1582. The Catholic reaction.

The repulse was followed by a Catholic reaction in the ecclesiastical states. Protestant preachers were silenced or driven into exile; Protestant congregations were dispersed; and, before the end of the sixteenth century, the inhabitants of these states were once more contented members of the Roman Catholic Church. The ease with which the change was effected is not to be ascribed to the sword alone. The selfishness of the princes, and the wrangling of the theologians, were little calculated to attract the hearts of men by the side of the discipline and devotion of the Jesuits. "Order is Heaven's first law," and it was only when Protestants could appeal to an order more noble and more divine that they had any chance of victory.

In this way, at the commencement of the seventeenth century, the Protestants saw themselves threatened in turn, and a cry arose from their ranks demanding the revision of the Peace of Augsburg. "Recognise," they said in effect, "the changes which have been already made, and we, on our part, will cease to encroach further on the Church lands." In the same spirit they approached the question of the imperial courts, which were naturally inclined to decide disputed points in accordance with the existing law, and it was impossible to deny that the existing law was not on the side of the Protestants. A demand was accordingly made that the disputes then pending should not be brought before the courts at all, but should be settled by amicable negotiation.

Protestant demands.

Few will be found at the present day to deny the fairness of these terms. They were, in fact, substantially the same as

those which, after forty weary years, were conceded at the Peace of Westphalia. The line drawn would have separated not merely Protestant from Catholic governments; it would, with the single but most important exception of the dominions of the House of Austria, have separated Protestant from Catholic populations. The proposal was one which contained the elements of permanency, because it was substantially just. Yet, unless the Catholics were prepared to take into consideration the wishes and interests of the populations, it was impossible for them to regard such terms otherwise than with the deepest loathing. To them, the secularisation of the Church lands was nothing better than an act of high-handed robbery.

1606. Objections of the Catholics.

Yet, great as the difficulty was, it might not have been impossible to overcome it,[1] if it had not formed part of another and a larger question. For the Catholics saw well enough that, for all practical purposes, they were asked to decree the dissolution of the Empire. The authority of that venerable institution had been deeply impaired by the Peace of Augsburg. Would any remnant of power be left to it, if it were unable to vindicate the legal title of the suppressed ecclesiastical foundations? If the Empire were to fall, what was to take its place? It was easy to talk of settling difficulties by amicable negotiation instead of bringing them before a legal tribunal; but could anyone seriously doubt that amicable negotiations carried on between a hundred petty sovereigns would end in anarchy at home and impotence abroad?[2]

Was the Empire to be dissolved?

Such arguments were very difficult to answer. But they could not be answered at all excepting by men who were resolved to hold fast by the substance of order, even when they were breaking up its existing form. Unless, therefore, the Protestant leaders could make up their minds to renounce all

[1] By some such compromise as that which was adopted at Mühlhausen in 1620, when the Catholics bound themselves not to use force to recover the lands to which they still laid claim as of right.

[2] What Germany was in its disorganised state may be judged from Ritter's *Geschichte der Deutschen Union*.

personal ambition, and, above all, to keep themselves clear from every suspicion of seeking to accomplish their own selfish objects under the cover of the general confusion, they would find their most legitimate designs frustrated by the swelling tide of adverse opinion.

When minds are in this inflamed state, a collision is almost unavoidable. In 1607, in consequence of an attack made, in the preceding year, by the Protestants of Donauwörth upon a Catholic abbot, the city was placed under the ban of the Empire, and occupied by Maximilian, Duke of Bavaria. In 1608, the Protestant Union sprang into existence, as a confederacy formed in defence of religion; it owed what sympathy it obtained to the idea that it was in reality, as well as in name, a defensive body. Unhappily this was not the case. Its nominal head, Frederick IV., the Elector Palatine of the day, was contemplating fresh annexations of ecclesiastical territory; and its guiding spirit, Christian of Anhalt, was prepared to put forth all his unrivalled powers of intrigue to sweep the house of Austria and the Catholic religion out of the Empire together.[1]

1607. The occupation of Donauwörth.

1608. The Protestant Union.

In the following year, the step which they had taken was met by the formation of a Catholic League, at the head of which was Maximilian of Bavaria. It was plain that the two parties could not long remain in such antagonistic positions without coming to blows. As yet, however, the Catholic League was the weaker of the two associations. With the exception of the Duke of Bavaria, not a single secular prince had joined it, and neither the resources nor the character of the bishops fitted them for carrying on military operations. Events had recently occurred in Austria which made it doubtful how far Maximilian would meet with the support of the Austrian Government. Ferdinand of Gratz, indeed, the cousin of the Emperor Rudolph II., still held his

1609. The Catholic League.

[1] See Gindely's *Rudolf II.*, and especially his account (i. 159) of the Elector Palatine's instructions to his ambassadors in the Diet of Ratisbon, ordering them to admit no agreement which did not put an end to the principle of the Ecclesiastical Reservation.

ground for the Pope and the Jesuits in his own dominions, which comprised Styria, Carniola, and Carinthia; but a successful revolution had recently put Austria, Hungary, and Moravia into the hands of the Emperor's brother Matthias, whilst Rudolph himself retained Bohemia alone. Both Rudolph and Matthias, weakened by the competition in which they had engaged, were forced, sorely against their will, to grant religious freedom to the estates of their several provinces.

Under these circumstances, Maximilian was obliged to turn to Spain for help. He found that the Spanish Government was inclined to assist him, although it was jealous of his personal influence in Germany. It was finally agreed that the King of Spain should furnish a sum of money, on condition that he should be named director of the League.

A few months before the formation of the League, an event had occurred which was calculated to bring about a collision between the rival confederacies. On March 25, John William, Duke of Cleves, died without male heirs, and left his dominions exposed to all the evils of a disputed succession. At such a time, the succession to any one of the numerous States of Germany could not fail to be treated as a party question. But there was not one of all those States the possession of which was of equal importance to that of the territories which were now in dispute. It was not merely that the successful candidate would be possessed of the acknowledged right of imposing his own religion upon the inhabitants of an extensive and flourishing district, but that he would be able, if war should again break out, to command a position of the greatest strategical importance. The dominions of the late duke were an aggregate of petty states, which had been brought into his family by a series of well-timed marriages, and which formed a tolerably compact territory, lying along the banks of the Rhine, excepting where they were interrupted by the narrow strip of land belonging to the Elector of Cologne. In the hands of the last duke, who had been a Catholic, they not only connected the outlying bishoprics of Münster, Paderborn, and Hildesheim with the Ecclesiastical Electorates and the Spanish Netherlands,

Death of the Duke of Cleves.

Importance of the disputed succession.

but, by their command of the Rhine, they served to interrupt the communications of the Protestants of Central Germany with the Dutch Republic. In the hands of a Protestant all these conditions would be reversed; and it happened that the only claimants whose pretensions were not absolutely ridiculous were Protestants.

Pretenders to the succession.

The eldest sister of the last duke had married the Duke of Prussia, and had died without male heirs. Her eldest daughter, who had married the Elector of Brandenberg, was also dead, and her title had descended to her son, the Electoral Prince. The second sister of the late Duke of Cleves, on the other hand, was still alive; and her husband, the Count Palatine of Neuburg, declared that the younger sister, being alive, was to be preferred to the descendants of the elder sister, who was dead. The whole case was still further complicated by a number of Imperial grants and marriage contracts, the stipulations of which were far from coinciding with one another. It was upon one of these that the Elector of Saxony founded a claim, which he hoped to prosecute successfully by the help of the Emperor, as he had carefully held aloof from the proceedings of the Princes of the Union. There were also other pretenders, who asked only for a portion of the land, or for an equivalent sum of money.

The Elector of Brandenberg and the Palatine of Neuburg take possession.

At first, it seemed not unlikely that the Elector of Brandenberg and the Palatine of Neuburg would come to blows. They both entered the duchy in order to take possession. They were, however, induced by the Landgrave of Hesse and other Protestant princes to come to a mutual understanding, and they agreed that Cleves should be governed in their joint names until the controversy between them could be decided.

The Archduke Leopold seizes Juliers in the name of the Emperor.

It was not likely that the Catholic party would look on quietly at these proceedings. At their request, the Emperor cited the pretenders before his court, and no notice having been taken of this citation, he put the Possessioners, as they were called, to the ban of the Empire, and ordered the Archduke Leopold, who, as Bishop of Strasburg and Passau, had an interest in

resisting the encroachments of the Protestants, to take possession of the territory until the question was settled.

The Possessioners refused to admit these pretensions. Not only was the Emperor's Court notoriously partial in questions of this kind, but it was supposed that he was determined to set aside the grants of his predecessors, and that he would himself lay claim to Cleves as a fief vacant by default of male heirs. The Archduke, supported by a force which he had raised with the assistance of the League, obtained possession of the town of Juliers, by means of the treachery of the commander of the garrison, but was unable to advance further in the face of the forces of the Possessioners. These princes, on the other hand, appealed to foreign powers for aid in a struggle by which the interests of the whole of Western Europe were affected.

The Possessioners supported by the King of France,

The King of France had already declared himself in their favour. When he first heard of the death of the Duke, he at once said that he would never permit such an important position to fall into the hands of the House of Austria. He openly declared that he was ready to assist the Possessioners, not because he cared who obtained the inheritance, but because he would not allow either Austria or Spain to establish itself at his gates.[1] At the same time he ordered his troops to march towards the frontier, in order to assure the German Protestants that he did not intend to desert their cause.

and by Holland and England.

The assistance of the Dutch, in a cause which interested them so deeply, might certainly be counted upon; and, although the matter in dispute was of less immediate importance to England, yet it might fairly be expected that James would not be content to look on when Protestant Germany was assailed by Austria and Spain. He was, perhaps, the more ready to give his help as he foresaw that the forces on the other side were utterly unable to offer a prolonged resistance. The divisions in the Austrian family had rendered the Emperor powerless for the time, and Spain was engaged in the suicidal operation of expelling from her territory the de-

[1] Carew to Salisbury, April 5, 1609, *S. P. France.*

scendants of the conquered Moors, who were, not without reason, suspected to be wanting in attachment to the faith of their Christian oppressors. James, therefore, who knew that the independence of Central Germany was the best guarantee for the permanent peace of Europe, consented to send a force to the assistance of the Princes; but he prudently declared that, as the French and Dutch were far more interested in the question than he could possibly be, he considered that they ought to be the first to move.

He was the more unwilling to engage precipitately in the war, as the King of France seemed to be hanging back, under pretence of waiting for the meeting of the Princes of the Union, which was appointed to take place in January, at Hall in Swabia. It was supposed in England that this delay was caused by his unwillingness to engage the arms of France in the support of a Protestant cause.

Projects of Henry IV.

The English Government was mistaken. Henry was thoroughly in earnest. He had no doubt a personal object which gave zest to his public designs. The old profligate had made advances to the Princess of Condè, and had been deeply irritated when the young beauty had fled to the Spanish Netherlands, to save her honour. It was part of his quarrel with the Archdukes that they refused to deliver her up, though he protested loudly that he was only offended in his royal dignity by the disobedience of a subject, and that it was a mere calumny to say that he was in any way moved by the lady's charms.[1] It was not, however, Henry's habit to aim at personal satisfaction only. As far as we are able to judge of his intentions, he had made up his mind, as soon as the war of Cleves was at an end, to throw himself boldly upon the Archdukes' dominions in the Low Countries. At the same time he hoped to secure Lorraine by negotiating a marriage between the Dauphin and the eldest daughter of the Duke, who had no sons to inherit his possessions; and he calculated that there would be little difficulty in driving the Spaniards from Franche Comté. Still greater importance was attached by him to the campaign

[1] Ubaldini to Borghese, April $\frac{18}{28}$, *Roman Transcripts, R. O.*

which he projected in Italy. For the first time since Charles VIII. had crossed the Alps, a monarch was upon the throne of France who was aware that Italy would be more valuable as an ally than as a conquered province. On the other hand, Charles Emmanuel, the Duke of Savoy, an able but unscrupulous prince, had spent the greater part of his reign in a fruitless endeavour to extend his dominions on the side of France. He had now learned, by a bitter experience, that he could have no hope of success in that direction; and he was ready to turn his energies against the Spanish possessions in the Milanese. There was, therefore, no difficulty in establishing an understanding between the two powers; and negotiations were commenced, which resulted in a treaty by which they bound themselves to join in the conquest of Milan,[1] which, with the exception of a portion which was to be the price of the co-operation of the Republic of Venice, was to be annexed to the Duke's dominions. Although in the treaty the French only stipulated for the destruction of the fortress of Montmeillan, by which Savoy was commanded, it is probable that there was an understanding that, in the event of complete success, the whole of Savoy should be ceded to France.[2] It was also agreed that the Prince of Piedmont should marry the eldest daughter of the King of France. A large army was collected, in the course of the spring, on the Italian frontier, under the Duke's old opponent, Marshal Lesdiguieres, and a force was prepared to assist the Moriscos in defending their homes in Spain, in order to prevent the Spanish Government from sending any assistance to Milan. The King himself was to command the army which was to assemble in Champagne.

It is not probable that under any circumstances Henry would have been able to carry out the whole of his plans. But if he had succeeded in establishing a strong barrier on the Lower Rhine between the Spanish Netherlands and the Catholic States, and had placed the Milanese in the hands of the Duke

[1] Dumont, *Corps Diplomatique*, v. 2, 137.

[2] See, besides, the French authorities quoted by Martin, *Hist. de France*, xii. 153. Beecher to Salisbury, Nov. 21, 1609; Feb. 2, 9, and 18; March 19; April 10; May 3, 1610, *S. P. France.*

of Savoy, he would have isolated Spain from Austria, and Austria from the Netherlands. The links which bound the unwieldy fabric together would have been broken, as forty years afterwards they were broken by Richelieu.

Whilst Henry was engaged in preparation for the campaign in the spring, he had the satisfaction of knowing that in Germany everything was going on in accordance with his wishes. The Princes of the Union met at Hall in January, and decided upon taking up the cause of the Possessioners. The forces which they agreed to furnish were to be placed under the command of Prince Christian of Anhalt. The Dutch promised to send four thousand men, and England was to furnish an equal number. The latter force was to be taken from amongst the English and Scotch who were in the pay of the United Provinces, and who were to return to their old service after the conclusion of the war. It was to be placed under the command of Sir Edward Cecil, a son of the Treasurer's elder brother, the Earl of Exeter.

Preparation for the war.

On their part the Catholic Princes had given up all hope of being able to resist the forces which were being brought against them. There seemed at one time a prospect that Spinola's veterans would throw themselves on the French line of march; but even if the position of the Court of Brussels between France and Holland had been less dangerous than it was, its want of money was so great that there was reason to fear that a mutiny would break out in the army as soon as it was brought into the field.[1] Under these circumstances resistance was impossible, and the Archduke was obliged to submit to the humiliation of granting permission to the French to pass through the territory of the Netherlands on their way to Juliers.

The courier who carried this permission was still on his way to Paris when the knife of Ravaillac freed the House of Austria from its fears. The murder of the King as he was setting out to join the army was greeted with a shout of exultation from every corner of Catholic Europe.

Murder of Henry IV.

[1] Trumbull to Salisbury, April 18, 1610, *S. P. Flanders*

Those who were endangered by his policy knew well that he had left no successor who was capable of carrying out his designs.

James at once declared [1] that, whether he had the co-operation of the French or not, he was determined to fulfil his engagements to the German Princes. He sent Sir Thomas Edmondes, who had already served with distinction in several important diplomatic employments, to Paris, in order to learn what was likely to be the consequence of the death of Henry IV. On his arrival, Edmondes found that the late King's widow, Mary de Medicis, was quietly in possession of the government, as Regent, in the name of her son Louis XIII., who was still a child. It was not to be expected that she would attempt to carry out her husband's designs. Even if she had had the power, she was far from having the inclination, to enter upon a general war. Educated as she had been at a petty Italian Court, she had learned from her childhood to look with awe and admiration upon the grandeur of the Spanish monarchy.

The Queen Regent had never forgiven her husband's rejection of the proposal, made whilst the negotiations for the Truce of Antwerp were in progress, for a double marriage between her children and those of the King of Spain. Now that power had unexpectedly fallen into her hands, she was anxious to carry out the plan which had failed to obtain the approval of her husband.

Yet even under the influence of these feelings, the Regent was unable to refuse to carry out that part, at least, of her husband's plan which consisted in sending troops to the siege of Juliers. It was impossible that any ruler of France should allow the House of Austria to extend its dominions upon the Rhine. It was therefore in vain that the Nuncio at Paris [2] exercised all his influence in endeavouring to divert her from her purpose.

The new government decides upon sending forces to Juliers.

[1] Instructions to Edmondes, May, *S. P. France.* The Council to Winwood, May 18, 1610, *Winw.* iii. 165.

[2] Nuncio at Paris to the Nuncio at Prague, May $\frac{20}{30}$, $\frac{\text{May } 23}{\text{June } 2}$, *Winw.* iii. 171, 176.

After a short delay, it was announced that Marshal de la Châtre would be ready to march on July 5.[1]

Before, however, De la Châtre arrived at Juliers, the siege had already commenced. The English and Dutch contingents came up on July 17, and they felt themselves strong enough to do without the assistance of the French. They were the more eager to reduce the place with all possible speed, as they were not without apprehension that the Regent might be intending to play them false. It was to no purpose that the French pressed for a delay.[2] The works were carried on vigorously, under the superintendence of Prince Maurice, who was in command of the Dutch troops ; and when De la Châtre arrived on August 8, he found that the siege was already far advanced.

The siege.

On the 22nd the garrison surrendered. The commander, in hopes of obtaining better terms, opened negotiations with De la Châtre. He was anxious to put the place into the hands of the French. This was, of course, refused by the allies, and Juliers was placed under the charge of the Princes of the Union.

Aug. 22. Surrender of Juliers.

The reduction of Juliers had been accomplished without any great difficulty. Winwood, who had been despatched to Düsseldorf, in order to conduct, in conjunction with the French ambassador Boississe, the negotiations which were to decide upon the disputed succession, had a far more difficult task before him. James was anxious for peace, and little inclined to allow the burden of maintaining it to fall on his own shoulders. "My ambassador," he wrote, "can do me no better service than in assisting to the treaty of this reconciliation, wherein he may have as good occasion to employ his tongue and his pen—and I wish it may be with as good success—as General Cecil and his soldiers have done their swords and their mattocks ; I only wish that I may handsomely wind myself out of this quarrel, wherein the principal parties do so little for themselves."[3] An agreement was unfortunately not easy to arrive at.

Winwood's negotiations.

[1] Edmondes to Winwood, June 14, *Winw.* iii. 182.
[2] Winwood to Salisbury, July 22, *S. P. Hol.* 27.
[3] The King to Salisbury, *Hatfield MSS.* 134, fol. 141.

The Elector of Saxony had thrown himself into the hands of the Emperor, and had succeeded in obtaining his good-will. He now came forward with a demand that the whole matter in dispute should be referred to the Emperor, and that, in the meanwhile, he should be admitted to share in the possession of the disputed territories. This proposal was considered by the other two claimants as inadmissible. They offered to submit to the arbitration of the Princes of the Empire, who were not likely to support any claimant supported by the Emperor.[1] Under such circumstances all hope of coming to an agreement was at an end. The negotiations were broken off, and Winwood returned to the Hague, leaving all the important questions connected with the Cleves succession still unsettled.

Whilst the armies were occupied with the siege of Juliers, the English Government signed a treaty with France, by which the two powers engaged mutually to furnish one another with troops, if either of them should be attacked by a foreign enemy. A stipulation was also inserted that, if the merchants of either country should suffer wrong in the dominions of a third power, both governments should join in making reprisals upon the subjects of the offending State.

Aug. 19. Treaty with France.

A few weeks after the fall of Juliers James brought to an end another controversy in which he was far more deeply interested than in the defence of Protestant Europe against the encroachments of Spain. In May 1609, the conference which had been convened at Falkland to discuss the question of episcopacy broke up without coming to any conclusion,[2] but its failure only made James more resolute to attain his end in some other way. At the Parliament which met in June, an Act was passed entrusting the Bishops with jurisdiction over testamentary and matrimonial causes, and a few months later, Spottiswoode received from the King a grant of a place amongst the Lords of Session. In the same year, without a shadow of authority from Parliament or Assembly, James established a Court of High Com-

1609. Prospect of Episcopacy in Scotland.

[1] Winwood to Salisbury, Sept. 12, 26, Oct. 12, 26, *S. P. Holland.*

[2] *Calderwood*, vii. 26.

mission in each of the two Archiepiscopal provinces. From that moment fine and imprisonment would be the lot not only of those who had been guilty of acts of immorality, or who had committed themselves to heretical doctrines, but also of those ministers or teachers who questioned in any point the order established in the Church. The same fate awaited them if they uttered a word in favour of the men who were lying under the King's displeasure.

The High Commission.

With such an instrument as this in his hands, James could have but little difficulty in obtaining the consent of an Assembly elected under the influence of the Bishops to anything that might be laid before it. Such an Assembly met at Glasgow in June 1610. The names of those who were to compose it had previously been sent down to the different Presbyteries,[1] and there were probably few, if any, of them who dared to make an independent choice.

Assembly summoned to meet at Glasgow.

This Assembly, thus nominated, gave its consent to the introduction of Episcopacy. It began by acknowledging that the Assembly at Aberdeen, in 1605, was unlawful, and that the convocation of Assemblies belonged to the King. The Bishops, it was declared, were to be Moderators in every diocesan Synod, and all sentences of excommunication or absolution were to be submitted to them for their approval. They were also to judge of the fitness of persons who obtained presentations, and to ordain them to the ministry. The Bishop was, moreover, empowered to try any of the clergy who might be accused of any delinquency, and, with the assistance of the neighbouring ministers, to deprive him of his office.[2]

It assents to the introduction of Episcopacy.

Thus, after a struggle of many years, James had succeeded in establishing, under the shadow of Episcopacy, his own authority over the Presbyterian Assemblies. The means to which he owed his victory sufficed to bring disgrace upon it in the eyes of succeeding generations. Not only were the clergy deprived, by unjustifiable constructions of the law, of their natural leaders, but they themselves

Causes of the success of the King's project.

[1] *Calderwood*, vii. 92. [2] *Ibid.* vii. 99.

were convinced, by sad experience, of the inutility of making any further resistance to the overwhelming power of the King, which might, by means of the instrumentality of the High Commission, be brought to bear upon them at any moment. As if all this had not been enough, James allowed himself to employ Dunbar in tempting the Assembly, by means of what, under whatever specious names it might be called, was nothing less than direct bribery.[1]

The King, unable as he was to divest his Bishops of the purely official character which in reality belonged to them, did his best to conceal it from the eyes of those who might be inclined to look too closely into his work. The Archbishop of Glasgow and two of the other Bishops were summoned to London, where they received from the English prelates the consecration, which, as soon as they were once more in their own country, they in turn conferred on the remainder of their brethren. It was in vain, however, to attempt to place them on an equality with the English Bishops. However much the English Bishops were dependent upon the Crown, they were supported by the great body of the clergy, who submitted contentedly to their jurisdiction. Even if the House of Commons had had its way, their office, though it might have been restricted, would certainly not have been abolished. In Scotland, those who claimed to hold a similar position to that which had been occupied by Whitgift and Bancroft, were nothing more than puppets in the hands of the King, and were looked on with detestation by one part of the population, and with indifference by the rest.

Oct. 21. Consecration of the Bishops.

Already, before the consecration of the Scottish Bishops,

[1] Spottiswoode (iii. 207) says that this money was merely paid in satisfaction of a debt owing to the Constant Moderators for their services. But the money thus paid only amounted to 3,010*l.* Scots. Whereas, on May 8, the following order was directed to Dunbar: "It is our pleasure, will, and express command, that against this ensuing Assembly, to be kept at Our City of Glasgow, you shall have in readiness the sum of ten thousand marks, Scottish money, to be divided and dealt among such persons as you shall hold fitting by the advice of the Archbishop of St. Andrews and Glasgow," &c.—Botfield, *Original Letters*, i. 425, 429.

James had remembered that he had promised to reconsider his claim to forbid by proclamations acts which were not contrary to any existing law.

On September 20, Coke was sent for, and two questions were put to him by Salisbury, first, whether the King could by proclamation prohibit the building of new houses in London; and secondly, whether he could in the same way forbid the manufacture of starch. The first of the proclamations in question had been issued with the intention of checking what was then considered to be the overgrowth of the capital, the other in order to prevent the use of wheat for any other purpose than that of supplying food. Coke asked for leave to take the opinion of other judges. It was in vain that the Chancellor, with Northampton and Bacon, attempted to draw out of him an opinion favourable to the Crown. They were obliged to allow him to consult with three of the judges, and it was thought advisable to issue, on the same day, a proclamation by which the more obnoxious of the former proclamations were on various pretexts called in, though the King's right to interfere in cases of emergency was expressly reserved. A few days afterwards, the four judges delivered their opinion in the presence of the Privy Council. The King, they said, could not create any offence by his proclamation. He could only admonish his subjects to keep the law. Nor could he, by proclamation, make offences punishable in the Star Chamber which were not by law under the jurisdiction of that Court. That there might be no doubt of their opinions on this question, they formally declared that the King had no prerogative but that which the law of the land allowed him.

The judges consulted on the proclamations.

This firmness on the part of the judges was sufficient to check the attack which had been made upon the constitution. For some time proclamations imposing fine and imprisonment ceased to appear.[1] When in the course of the following year a fresh proclamation was put forth against the increase of buildings, James contented himself with directing that offenders should be punished according to the law. The names of the

[1] *Rep.* xii. 74.

men who rendered so great a service to their country should never be forgotten. The three judges who joined Coke in this protest were Chief Justice Fleming,[1] Chief Baron Tanfield, and Baron Altham. The King, however, took no pains to make this opinion of the judges known, and Parliament met under the impression that he was determined to maintain the right which he had claimed.

Opening of the session.

The new session commenced on October 16. On the 19th, the House of Commons showed its determination to carry on its labours in the spirit of the former session by appointing a Committee to review the Bills which had failed in passing, and to select such as they thought were proper to be sent up once more to the House of Lords.[2] The Lower House was very thinly attended. On the 22nd not more than a hundred members were present. It was evident that there was little heart for the business upon which they were to be engaged. Still it was necessary to do something. On the 23rd a message was sent by the Lords to request the Lower House to meet them at a conference. Of that conference no account has been handed down to us. A few days later, however, the Commons sent to the Lords for a copy of the King's answers to their petition of grievances. It can hardly be doubted that they were hesitating to proceed with the contract until they could have a more satisfactory answer than that which had been given in the last session. On the 31st, the day after they received the copy, they were summoned to Whitehall. James begged them to let him know whether they intended to go on with the contract or not. If not, he would take some other course for the supply of his wants. He was resolved to cut his coat according to his cloth, but he could do nothing till he knew how much cloth he was to have.

[1] The occurrence of Fleming's name here should make us cautious in supposing that he was influenced by servility in his judgment on Bate's case. He was regarded by his contemporaries as an honourable man. In 1604 the House of Commons did him the high honour of requesting him to retain his seat upon his appointment to the office of Chief Baron.

[2] *Cott. MSS.* Tit. F. iv. fol. 130. The proceedings of this session will be found in *Parl. Deb.* in 1610, 126–145.

Of the debates of the next two days, if any there were, we are in complete ignorance. On November 3, Sir Maurice Berkeley moved that the King should be informed that nothing could be done until a larger number of the members were present. The House was in no mood to offer such excuses. Sir Roger Owen followed by declaring the terms upon which he was willing to proceed—a course which was, doubtless, more satisfactory to those who were present than Berkeley's complimentary speeches. A full answer, he said, must be given to the grievances, and the King must resign all claim to lay impositions. The money granted in return must be levied in such a way as to be least burdensome to the country. The King must not be allowed to alienate the new revenue, nor to increase its value by tampering with the coinage. If doubts arose as to the meaning of any of the articles of the contract, they were to be referred to Parliament for explanation. Care must also be taken that the King did not allow himself to neglect summoning Parliaments in future, which he might do if his wants were fully supplied.

Breach with the King.

It is not known whether these propositions were in any way adopted by the House. But the impression which they produced upon the King was instantaneous. It is probable that he no longer looked upon the contract with the eyes with which he had regarded it at the close of the former session. Representations had been made to him that, after all, he would not gain much by the bargain. His ordinary deficit had been 50,000*l.*, and his extraordinary expenses were reckoned at 100,000*l.* As 20,000*l.* had been added to his expenditure to defray the annual expenses of the household of the Prince of Wales, and as, at the same time, his income had been diminished by 8,000*l.*, in consequence of the concessions which he had made in his answer to the petition of grievances [1] he would have to face a deficit of 178,000*l.* Of the 200,000*l.* to be brought by the Great Contract only 98,000*l.* would be net gain, and the future deficit, if the contract were completed, would begin at 80,000*l.* and was likely to increase as his children grew up and required larger establishments to support their

[1] *Parl. Deb.* in 1610, 165.

dignity. In the face of this difficulty James was told that it would be possible for him to obtain the required revenue without having recourse to Parliament at all. By giving a little more care to the condition of his landed property, and by putting in force with the utmost rigour all the rights which he possessed against his subjects, he might obtain a considerable increase of revenue. As a mere matter of business, considering that his present rate of expenditure could hardly be suddenly contracted, James had every reason for believing that the contract would not put an end to his difficulties, though it might make it easier to do so than it had been before.[1]

With such ideas in his mind, it must have been with considerable irritation that he heard of the determination of the Commons to include the grievances in the contract. He at once resolved to take up new ground. On the 5th, he sent a message to the House by the Speaker. In the first place, he told them that they must grant him a supply of 500,000*l.* to pay his debts, before he would hear anything more about the contract. When the contract was afterwards taken up he expected to have a larger sum granted than he had agreed in the previous session to accept. Instead of taking 200,000*l.* in return for the concessions which he was to make, he must have that sum in addition to the value of those concessions, or, in other words, he expected a grant of an additional annual revenue of about 300,000*l.* The whole of this sum must be so raised as to be 'certain, firm, and stable.' The House of Commons must also provide a compensation for the officers of the Court of Wards.

The Commons were not likely to consent to these terms. If the contract was to be regarded as a bargain they had already offered about twice as much as the King's concessions were worth, and James, in refusing to meet their wishes further in answer to their grievances, had made it impossible for them to regard his demands in any higher light than in that of a bargain. They informed the King that they could not proceed in accordance with his last declaration. The King accepted their

[1] The rough draft of the paper printed in *Parl. Deb.* in 1610, 163, is in Cæsar's handwriting; and Cæsar, no doubt, laid the opinions which are there maintained before the King.

refusal; and the negotiations, which had lasted so long, came to an end.

The King's answer was delivered on the 14th. The same afternoon a conference was held with the Lords. Salisbury was sad at heart at the failure of his scheme. 'He well perceived,' he said, that the Commons 'had a great desire to have effected that great contract,' and he knew 'that the King's Majesty had willingly given his assent to the same, and that yet, nevertheless, it proceeded not, wherein he could not find the impediment, but that God did not bless it.'[1] If they would not proceed with the contract, they might perhaps be willing to supply the King's most pressing necessities. In that case the King would, doubtless, grant his assent to several Bills which would be of advantage to his subjects. He would do away with the legal principle that *Nullum tempus occurrit regi*. Henceforth a possession of sixty years should be a bar to all claims on the part of the Crown. He would grant greater securities to persons holding leases from the Crown. The creditors of outlaws should be satisfied before the property was seized in the King's name. The fines for respite of homage should be abolished. The penal statutes should be examined, and those which were obsolete should be repealed. The King would give up the right which he possessed of making laws for Wales independently of Parliament; and, finally, he would consent to the passing of the Bill against impositions as it had proceeded from the Commons in the last session.

Salisbury attempts to obtain a supply.

When the Commons took these proposals into consideration, it was evident that they were not in a mood to come to terms on any grounds short of the concession of the whole of their demands. One member said that he 'wished the King would be pleased to live of his own, and to remove his pensions and lessen his charge.' It was 'unfit and dishonourable that those should waste the treasure of the State who take no pains to live of their own, but spend all in excess and riot, depending wholly upon the bounty of the Prince.' Another said that no supply ought to be granted unless the

Debate in the Commons.

[1] These words were quoted by Fuller in a speech printed, without the speaker's name, in the *Somers Tracts*, ii. 151.

whole of their grievances were redressed. The next day the House was adjourned by the King's command until he had time to consider on the position of affairs.

On the 21st the Commons met again. A letter from the King was read, in which he promised to grant their requests in the matter of the prohibitions and the proclamations, as well as to give his assent to the Imposition Bill. With respect to the four counties, he would suspend his consideration of the question till Midsummer, and after that he would leave them to the course of law and justice.

The King's letter.

On the 23rd, the King's letter was taken into consideration, Sharp things were said of the King's favourites, and especially of the Scotchmen by whom he was surrounded. It was finally agreed to thank the King for his proposed concessions, but to tell him that the House would not be satisfied unless he went further still.

Meanwhile James's patience was rapidly becoming exhausted. He had long been chafing under the language which was held in the House on the subject of the prodigality of himself and his favourites. He was determined to bear it no longer. He knew that at their next meeting the Commons would proceed to consider what fresh demands might be made upon him, and he was unwilling to allow them another opportunity of expressing their feelings. He complained of Salisbury, who continued to advise forbearance. A rumour, apparently unfounded, had reached him that some members intended to ask him to send the Scots back to their own country. On this Carr took alarm, and did all that he could to excite his master against the House. James lost all patience. He said that he could not have 'asinine patience,' and that he would not accept the largest supply which it was in the power of the Commons to grant, if they 'were to sauce it with such taunts and disgraces as' had 'been uttered of him and those that' appertained 'to him.' He accordingly ordered the Speaker to adjourn the House. It was with difficulty that his wiser counsellors prevented him from committing some of the members to the Tower.[1] After a further

Parliament dissolved.

[1] Lake to Salisbury, Dec. 2 and 6, 1610, *S. P. Dom.* lviii. 54 and 62.

adjournment, Parliament was finally dissolved on February 9, 1611.

1611. Commencement of the quarrel between the Commons and the King.

The dissolution of the first Parliament of James I. was the signal for the commencement of a contest between the two most important powers known to the constitution, which lasted till all the questions in dispute were finally settled by the landing of William of Orange.

Course taken by the Commons.

When this Parliament had met, seven years before, the House of Commons had been content with temperately urging upon the King the necessity of changing the policy which he had derived from his predecessor in those points in which it had become obnoxious to themselves. Upon his refusal to give way, the Commons had waited patiently for an opportunity of pressing their grievances once more upon him. In 1606 they had been too much engaged in enacting statutes against the unfortunate Catholics to give more than a passing attention to these subjects. In 1607 the discussion of the proposed union with Scotland took up the greater part of their time; but in 1610 a fair opportunity was offered them of obtaining a hearing. James had flung his money away till he was forced to apply for help to the House of Commons. It was in vain that year by year his income was on the increase, and that he had added to it a revenue derived from a source which, in spite of the favourable judgment of the Court of Exchequer, was considered to be illegal by the majority of his subjects.

The point in dispute.

When the King laid his necessities before them, they took advantage of the opportunity to urge their own demands. Step by step he gave way. He agreed to give up all the obnoxious rights which were connected with the feudal tenures. He would abandon the oppressive system of purveyance. A bill should receive his assent, by which he was to be bound to raise no more impositions without the consent

Salisbury to the King, Dec. 3. The King to Salisbury, Dec. 4. Lake to Salisbury, Dec. 3 and 4. Salisbury to Lake, Dec. 9, *Hatfield MSS.* 134, fol. 142, 143; 128, fol. 168, 171, 172.

of Parliament. On one point alone he steadily refused to give way. The ecclesiastical system of the Church of England was to remain unchanged, with its uniformity of ceremonies, and its courts exercising a jurisdiction which Parliament was unable to control. It was on this rock that the negotiations split. In a question of first-rate importance the King and the Commons were unable to come to terms.

If the Commons had been in ignorance of the path which it behoved them to follow, the preceding negotiation would have opened their eyes. They had been asked to conclude a bargain, and the result of that bargain would have been that they would have laid a fresh burden of taxation on themselves, and by so doing would have left the King free to govern as he pleased. Naturally they objected to so one-sided an arrangement. James on his side was not likely to let slip from his hands those reins of authority which he had received from his predecessors. A rupture of the negotiations was hardly less than inevitable. Salisbury's mistake was that he had attempted to drive a financial bargain without taking care that it should be preceded by a political reconciliation.

James had made up his mind to defy such public opinion as found expression in the House of Commons. In February he granted to six favourites, four of whom were of Scottish birth, no less a sum than 34,000*l.*[1] On March 25, he conferred upon Carr an English peerage by the title of Viscount Rochester. It was the first time that a Scotchman had obtained a seat in the House of Lords,[2] and that Scotchman was the one who had done his utmost to rouse the King to resist the Commons.

Feb. 1. Money granted to Scottish favourites.

Mar. 25. Carr made Viscount Rochester.

No wonder that Salisbury was at his wits' end to discover a cure for the financial disorder which, since the failure of the Great Contract, threatened to be irremediable, and that he gave his consent to a mode of procuring money from which, in less critical circumstances, he would

The Baronets.

[1] Warrant, Feb. 1, *S. P. Warrant Book*, ii. 191.

[2] See vol. i. p. 330, note 3.

perhaps have turned away. For many years the demands of Ireland upon the English Exchequer had been considerable, and they had increased greatly since the flight of the Earls. Even now that peace was established and the colonists had begun to settle in Ulster, the military expenditure lay as a heavy weight upon James. Though, after consultation with Carew, Chichester had agreed to diminish the number of the troops, the expenses of the army alone far exceeded the revenue of the country, leaving the civil establishment still to be provided for.[1] The English Exchequer had hitherto borne the burden of supplying the deficiency; but after the failure of the Great Contract, the English Government had enough to do to find money to meet its own wants. In this difficulty it is not surprising that James consented to an arrangement which had at all events the advantage of providing money when it was most needed. It was suggested to him that there were many among the English gentry who would willingly pay considerable sums for the grant of a hereditary title, and that the money thus obtained might be used for the support of the army in Ulster. Accordingly James offered the title of Baronet to all persons of good repute, being knights or esquires possessed of lands worth 1,000*l.* a year, provided that they were ready to pay the Exchequer 1,080*l.* in three annual payments, being the sum required to keep thirty foot-soldiers for three years. It was expected that there would be two hundred persons bearing the new title.[2] Although, however, the number was made up before the end of the reign, it was not for some years that even half that number was obtained. Within three years, 90,000*l.* had been gained by the Exchequer in this manner, which, though it did not amount to the whole sum required to defray the expenses of the Irish Government, was a considerable assistance in a time of difficulty.[3]

[1] After the reduction, the army cost 35,810*l.* The revenue of Ireland was 24,000*l.* Lambeth *MSS.* 629, fol. 19, 98.

[2] Patent, May 22, 1611, in Collins's *Baronetage*, iv. 289.

[3] Paid up to March 25, 1614, 90,885*l.* Sent into Ireland up to Michaelmas 1613, 129,013*l.* (*Lansd. MSS.* 163, fol. 396; compare *Lansd. MSS.* 152, fol. 1). For the three years the expenses of the Irish army

The relief to the Exchequer caused by the creation of the Baronets was hardly felt in the midst of James's unrestrainable profusion. Salisbury, indeed, resigned to the King all personal profits derived from his office of Master of the Court of Wards, and issued instructions to his officers, forbidding them to accept irregular payments from suitors.[1] Negotiations were also entered upon with the several counties, on the basis of a relinquishment of all claims to purveyance in consideration of a composition, a scheme which before long was accepted by the large majority of the shires.[2] But it was in vain that Salisbury toiled. James, profuse in promises of reform, could not be thrifty, even under the pressure of alarm that he might have to reckon with another House of Commons.

James attempts to economise.

Whilst Salisbury was deep in accounts, James had to decide upon a case which, at the present day, would rouse the indignation of the whole population from one end of the kingdom to the other. Politics would be forgotten and business would be interrupted till justice had been done. There can be no better proof of the indistinct notions which still prevailed on the subject of personal liberty than the indifference with which Englishmen heard of the harsh treatment of Arabella Stuart.

Case of Arabella Stuart.

During the first six years of his reign, James had treated his cousin with consideration. The pension which she received from Elizabeth was increased soon after he came to the throne, and she was allowed to occupy apartments in the palace, and to pass her time with the ladies who were attached to the court of the Queen.

Amongst those of her letters which have been preserved the most interesting are those which she wrote to her uncle

must have been about 106,000*l.*, so that though it was probably not literally true that quite all the money was expended upon foot soldiers actually in Ulster, it was at least spent upon troops available for the defence of the colony in the north.

[1] Instructions, Jan. 9, *S. P. Dom.* lxi. 6. Pembroke to Edmondes, *Court and Times*, i. 132.

[2] Justices of Hertfordshire to Salisbury, April 11, *S. P. Dom.* lxiii. 1. See also Hamilton's *Quarter Sessions from Elizabeth to Anne.*

and aunt, the Earl and Countess of Shrewsbury.[1] Their style is lively and agreeable, and they convey the impression of a gentle and affectionate, as well as of an accomplished woman. She had no ambition to figure among the great ladies by whom the Queen was surrounded, far less to aspire to the dignity of a pretender to the Crown. She had a good word for all who showed her any kindness, however small. She expressed her especial gratitude to Cecil for his declaration, at Raleigh's trial, of his assurance that she had been totally ignorant of any conspiracy against the King. In one of her letters she answered a jest of her uncle's, by assuring him, with the most winning earnestness, that she intended to prove that it was possible for a woman to retain her purity and innocence in the midst of the follies with which a life at court was surrounded. In another she stepped forward to act the part of a peacemaker, and conjured the Earl to forgive once more that notorious termagant, his stepmother, the Dowager Countess. Altogether, it is impossible to rise from the perusal of these letters without the conviction that, if only a man who was worthy of her should be found, she would be fitted, above all the ladies of that age, to fulfil the quiet domestic duties of a wife and mother. With the life which she was forced to lead she was ill at ease; she did not care for the perpetual round of gaieties in which the Queen delighted, and she submitted with but an ill grace to take her part in the childish games by means of which the ladies of the court contrived to while away the weary hours.

1603. Her letters to the Earl and Countess of Shrewsbury.

Offers were made for her hand by various foreign potentates, but these were invariably declined.[2] To one of such a nature as hers, it would have been intolerable to promise to marry a man whom she had never seen. But as the years passed on, it was evident that she was anxious to escape from the uncongenial life which she was leading. A little before Christmas, 1609, the Court was startled by hearing that she had been suddenly arrested, and summoned

1604. Offers of marriage declined.

[1] Lady Shrewsbury was a sister of Arabella's mother. The letters are in Miss Cooper's *Letters and Life of Arabella Stuart.*

[2] Fowler to Shrewsbury, Oct. 3, 1604, Lodge's *Illustrations*, iii. 97.

before the Council. All that we know of what passed on that occasion is that the King assured her that he would have no objection to her marriage with any subject of his.[1] It may be gathered from this that some rumour had reached him that she was engaged in negotiations to marry a foreigner, and that he was afraid lest after such a marriage she might be made use of by someone who would in her name lay claim to the crown of England. However this may have been, her explanations were considered satisfactory. She was set at liberty at once, and immediately afterwards James showed that he had again received her into favour, by granting her an addition to her income.[2]

1609. She is brought before the Council.

A few weeks after she had made her peace with the King, she gave her heart to young William Seymour. On February 2 he found his way to her apartments, and obtained from her own lips the assurance of her willingness to become his wife. The promise which James had given led the happy pair to persuade themselves that they would meet with no obstruction from him, and they parted with the full intention of asking his approval of their marriage. Unfortunately, however, either from an instinctive apprehension that he might refuse his consent, or from disinclination to expose their happiness so soon to the eyes of the world, they did not at once tell their own story to the King. Twice again they met clandestinely. Two days after their last meeting the King was in possession of their secret. They were both summoned before the Council and examined on the subject.

1610. Promises to marry Seymour.

William Seymour was perhaps the only man in England to whom James would have objected as a husband for Arabella.[3]

[1] Arabella to the King, *Letters and Life*, ii. 114. There can have been no suspicion of her having formed any intention of marrying Seymour, or James would certainly not have used this language. Perhaps the true history of her arrest at this time is to be found in a letter of Beecher's mentioning a report which had reached Paris, that Lerma was desirous of marrying her to a relation of his own.—Beecher to Salisbury, Jan. 20, 1610, *S. P. Fr.*

[2] Chamberlain to Winwood, Feb. 13, *Winw.* iii. 117.

[3] Beaulieu to Trumbull, Feb. 15, *Winw.* iii. 119. W. Seymour to

Reasons for James's dislike of the marriage.

His father, Lord Beauchamp, as the son of the Earl of Hertford and of Catherine Grey, inherited from his mother the claims of the Suffolk line. It is true that Lord Beauchamp's eldest son was still alive, but if, as actually happened, he should die without children, a plausible title to the throne might at any time be made out in behalf of his brother William. Since the accession of James, the marriage of the Earl of Hertford had been pronounced by a competent tribunal to be valid, and it might be argued that the Act under which the Suffolk family had claimed the Crown was passed by a lawful Parliament, whereas the Parliament which acknowledged the title of James was itself incompetent to change the succession, as it had not been summoned by a lawful King. Arguments of this kind are never wanting in a political crisis, and if James did not speedily come to terms with his Parliament, such a crisis might occur at any time.

That any political motive was mingled with Seymour's love for Arabella is in the highest degree improbable, and it is certain that an attempt to change the dynasty would as yet have failed to meet with the slightest response in the nation. James, however, could not divest himself of the notion that there was a settled plan to connect the title of the Seymours with the title, such as it was, of Arabella. He did not consider himself bound by the words of a promise which he had made without foreseeing the particular circumstances in which he would be called upon to fulfil it, and he forbade the lovers to think any further of marriage. Seymour engaged that he would give up all claims to his affianced wife, and it was supposed that the whole matter was at an end.

The marriage privately celebrated.

For a little more than three months after this scene before the Council, Seymour kept his promise. At last affection prevailed over all other considerations. Towards the end of May,[1] he had made up his mind to fulfil the promise which he had given to Arabella, rather than that which he had given to the King. She readily

the Council, Feb. 10, *Letters and Life of A Stuart*, ii. 103. Seymour's letter is incorrectly printed with the date of Feb. 20.

[1] Rodney's Declaration, *Add. MSS.* 4161, fol. 26.

gave her consent, and they were privately married a few days afterwards at Greenwich.

Arabella and her husband committed to custody.

Early in July, James heard of what had happened. He was indignant at what he considered to be the presumption of the young couple, and it must be acknowledged that the lady had been singularly unfortunate in her selection of a husband. No other marriage could have so infelicitously combined two titles to the English throne. James therefore determined to treat the pair as Seymour's grandparents had been treated by Elizabeth. Even if Arabella and her husband had no treasonable intentions, it was impossible to predict what claims might be put forward by their children, who would inherit whatever rights might be possessed by both parents. Under the influence of fear, James became regardless of the misery which he was inflicting. Arabella was committed to the custody of Sir Thomas Parry, at Lambeth ; and Seymour was at once sent to the Tower.

From her place of confinement, Arabella used her utmost endeavours to move the heart of her oppressor. It was all in vain. She had eaten of the forbidden tree, he said, and he meant it to be inferred that she must take the consequences.

1611. She is ordered to remove to Durham.

After a time James, having discovered that she still held a correspondence with her husband, determined to make its continuance impossible by removing her to a distance from London. Durham was selected as the place of her banishment, where she was to reside under the care of the Bishop.

On March 15, 1611, Arabella left Lambeth under the Bishop's charge. Her health had given way under her sufferings, and her weakness was such that it was only with difficulty that the party reached Highgate. There she remained for six days, and it was not until the 21st that she was removed as far as Barnet. James declared that if he was king of England, she should sooner or later go to Durham ; but he gave her permission to remain till June 11 at Barnet, in order to recruit her health. She remained accordingly for some time under the charge of Sir James Crofts, the Bishop having continued his journey to the north without her.

Before the day appointed for the departure of the prisoner she had contrived a scheme by which she hoped to effect her own escape, as well as her husband's. On June 3 she disguised herself as a man, and left the house in which she had been for some weeks, accompanied by a gentleman named Markham. At a little distance they found horses waiting for them at a roadside inn. She was so pale and weak that the ostler expressed doubts of the possibility of her reaching London. About six in the evening she arrived at Blackwall, where a boat, in which were some of her attendants, was in waiting. It was not till the next morning that the party reached Leigh, where they expected to find a French vessel which had been engaged to take them on board. Not perceiving the signal which the captain of this vessel had agreed to hoist, they rowed up to another vessel which was bound for Berwick, and attempted to induce the master to change his course. He refused to do so, but pointed them to the French ship of which they were in quest. As soon as they were on board, Arabella's attendants, fearful of pursuit, persuaded the captain to set sail, in spite of the remonstrances of the lady herself, who was only anxious to wait for her husband.

Her flight from Barnet.

Meanwhile, Seymour had effected his escape without difficulty. When he arrived at Leigh, he was disappointed to find that the French vessel had already sailed. He however, persuaded the master of a collier to carry him over to the Continent. The man kept his promise, and landed him safely at Ostend. His wife was less fortunate. With her whole heart fixed upon the safety of her husband, when the vessel in which she was was within a few miles of Calais, she caused it to linger on its course, in hopes of hearing some tidings of him for whose sake she had ventured amongst so many dangers. Here, within sight of the port of safety, the fugitives were overtaken by a vessel which had been despatched from Dover in pursuit of them. Arabella calmly resigned herself to her fate. She did not care what became of herself if she could be sure that her husband had reached the Continent in safety.

Seymour succeeds in escaping to Ostend.

Arabella taken near Calais.

Arabella was committed to the Tower. Her reason gave

way, and in this miserable state she died, after an imprisonment of four years. It was not till after her death that Seymour obtained permission to return to England.[1]

Her imprisonment and death.

A few days after Arabella's recapture, the Countess of Shrewsbury was summoned before the Council on the charge of having furnished her niece with money, and of having been an accomplice in her flight. She boldly answered that she had done nothing wrong; if the Council had any charge to bring against her, she would be ready to defend herself at a public trial.[2] She was committed to the Tower for a year, and then was brought before a Commission appointed to examine her. She refused to answer any questions, alleging that she had taken a vow to give no evidence, and that it was the privilege of the nobility to answer only when called upon before their peers. The judges declared that she was bound to answer, and the Commission reported that if she were brought into the Star Chamber the fit punishment for her contumacy would be imprisonment during pleasure, and a fine of 20,000*l.* This threat, however, was not carried into execution, and she was sent back to the Tower, where she remained for some years, till she was released in order that she might be present at her husband's deathbed.

The Countess of Shrewsbury.

Amongst the cares which awaited James after the dissolution was that of providing a new Archbishop of Canterbury. Bancroft died in November 1610. Except when called on to stand forwards as the champion of the clergy against the attacks of the House of Commons or of the judges, the latter years of his life had been passed for the most part in the unostentatious exercise of the duties of his office. After carrying his point at Hampton Court, and seeing the Nonconformist clergy ejected from their cures, he found occupation enough in endeavouring to make those who had submitted more worthy of the position which they held. His efforts were not unattended with success. It is undeniable

1610. Nov. 2. Death of Bancroft.

[1] *Letters and Life of A. Stuart*, ii. 112–246.

[2] More to Winwood, June 18, *Winw.* iii. 28. Northampton to the King, June 9, *S. P. Dom.* lxiv. 23.

that, within the limits which had been prescribed by the Elizabethan system, the clergy were advancing under his superintendence in intelligence and vigour. He succeeded in winning over some who by less skilful treatment would have been driven into opposition. The unmeasured violence with which he had met those whom he looked upon as the confirmed enemies of the Church passed away when he had to deal with men whose course was yet doubtful. To such he was always kind, and he spared no labour in inducing them to surrender opinions which he regarded as erroneous.

Expectation that he will be succeeded by Andrewes.

The man who was recommended by the Bishops as the fitting successor of Bancroft was Launcelot Andrewes, at that time Bishop of Ely. Of all those whose piety was remarkable in that troubled age, there was none who could bear comparison for spotlessness and purity of character with the good and gentle Andrewes. Going in and out as he did amongst the frivolous and grasping courtiers who gathered round the King, he seemed to live in a peculiar atmosphere of holiness. James reverenced and admired him, and was always pleased to hear him preach. His life was a devotional testimony against the Roman dogmatism on the one side and the Puritan dogmatism on the other. He was not a great administrator, nor was he amongst the first rank of learned men. But his reverence for the past and breadth of intelligence gave him a foremost place in the midst of that band with which James was in such deep sympathy, and which met the Roman argument from antiquity by a deeper and more thoughtful study of antiquity, and the Puritan argument from the Scriptures by an appeal to the interpretation of the Scriptures by the Church-writers of the early centuries. The work done by these men was no slight contribution to the progress of human thought. Yet there is no reason to regret that Andrewes was not appointed to the vacant archbishopric. Few will be found who still believe with Clarendon that his appointment would have turned back the rising tide of Puritanism. What he could do in that direction he did in the study and in the pulpit, and work of this kind could as well be done in one official position as in another. The work of

repression was not one to which he would have taken kindly, and he would have been himself none the better for the change.

After some delay, James fixed his choice upon George Abbot, Bishop of London. He had formerly been chaplain to the Earl of Dunbar, whom he had accompanied to Scotland in 1608, where he had been serviceable, probably through his doctrinal agreement with the Scottish clergy. In January, 1611, Dunbar died, and James declared that he would show respect to his memory by promoting Abbot to the archbishopric. Thoroughly imbued with the Calvinistic theology, Abbot had made it the business of his life to oppose the doctrines and principles of the Church of Rome. At the same time, he had no wish to see any change in the Church of England, and he was prepared to defend the authority of the Sovereign in ecclesiastical matters, in the maintenance of which he saw the strongest bulwark against Popery and heresy. Nor was he wanting in other qualities more entitled to respect. His piety was deep and real, and his thorough conscientiousness was such that it might safely be predicted that, whatever mistakes he might make in his new office, neither fear nor interest would induce him to swerve for a moment from what he considered to be the strict line of duty.

1611. Selection of Abbot by the King.

His merits

These merits were balanced by faults which would have been far more conspicuous than they were, if the management of Church affairs had been left more completely in his hands than James allowed it to be. It was observed of him that he had never had personal experience of pastoral duties, and that when, in 1609, he became a Bishop, he had not been fitted for the exercise of his office by any practical knowledge of the difficulties and trials of the parochial clergy. It may, however, be fairly questioned whether any experience would have given him that knowledge of men and things which was required in order to fulfil satisfactorily the duties of his new position. His mind was deficient in breadth and geniality, and he never could have acquired the capacity for entering into the arguments and feelings of an opponent, which is the first requisite for public life. His theology was

and defects.

the theology of the Puritans, and Puritanism failed to show itself to its best advantage till it had been filtered through the minds of men who were engaged in the active business of life. In his hands, if he had been allowed to have his will, the Church of England would have become as one-sided as it afterwards became in the hands of his opponents. Practices which many pious Christians loved would have been rigorously proscribed, and doctrines which seemed irrefragable to a large and growing section of the clergy would have been checked by the stern exercise of authority. If he was not allowed to carry out his theory into practice, he unfortunately brought with him a temper which boded ill for the prospects of peace. It is said that under his administration the sentences of the High Commission acquired a harsher tone, and that his eagerness to repress heresy and vice led him far beyond the limits which Bancroft had imposed upon himself in the punishment of offenders.

The new Archbishop, upon taking possession of his see, found himself already involved in a quarrel with Coke upon the interminable question of the prohibitions. A certain Sir William Chancey had been charged before the High Commission with adultery, and with having expelled his wife from his house without providing for her maintenance. The Commissioners, after hearing the case, ordered him to support his wife, and to make submission for his offence ; and upon his refusal to obey, they committed him to the Fleet. He applied to the Court of Common Pleas for a habeas corpus. The judges unanimously decided that the Commission had no power to imprison for adultery, and that the order to Chancey to find 'a competent maintenance' for his wife was too vague to justify a committal. They therefore ordered that the prisoner should be set at liberty, though they took bail for his future appearance in order that they might have an opportunity of conferring with the Archbishop before they came to a final decision.[1]

The High Commission Court.

Chancey's case.

Upon hearing what had happened, Abbot, who was as little inclined as Bancroft had been to submit to any diminution of

[1] *Rep.* xii. 82.

the privileges of the clergy, appealed to the Council.[1] In consequence of this complaint, the judges were sent for, in order that the arguments might be heard on both sides of the question. Coke, in the name of the judges of the Court of Common Pleas, produced a treatise which he had drawn up in support of the doctrine that the Commission had no right to fine and imprison excepting in cases of heresy and schism.[2] A few days later, the judges of the Common Pleas were sent for separately, and every effort was made by the Chancellor to shake their resolution. Finding that it was all in vain, the other judges were sent for, who at once declared that, in their opinion, Coke and his colleagues were in the right. One more attempt was made. The judges of the King's Bench, and the Barons of the Exchequer, were summoned before the King himself, whilst the judges of the Common Pleas were this time excluded from the conference. Before this ordeal some of those who were consulted gave way. When Coke was at last admitted, he was told that the other judges differed from him, and that the King would take care to reform the Commission, so as to obviate the objections which had been brought against it. Coke answered that he would reserve his opinion on the new Commission till he saw it, and that, however much he regretted that his brethren differed in opinion from himself, he was still more grieved that he had not been allowed to set forth his views in their presence.[3]

Abbot appeals to the Council against Coke.

The new Commission, in which the jurisdiction in case of alimony was omitted, was issued in August. Amongst the names of the Commissioners appeared those of Coke and of six others of the judges, apparently under the idea that they would be tempted to acknowledge the legality of proceedings in which they were themselves called to take a part. The members of the Court were invited to meet at Lambeth in order to hear the Commission read. With the intention of showing that he refused to

A new Commission issued, in which the judges refuse to take part.

[1] *Lansd. MSS.* 160, fol. 410.

[2] 4 *Inst.* 324; *Cott. MSS.*, Faust. D., vi. fol. 3–11. *Lansd. MSS.* 160, fol. 412.

[3] *Rep.* xii. 84.

acknowledge its legality until he had heard the terms in which it was couched, Coke refused to take his seat until the reading of the document was concluded. In this course he was followed by the other judges. As soon as the reading was over, they, with one voice, protested against it, as containing points which were contrary to the law of England. Upon this, Abbot had recourse to a scheme which he had planned as being likely to convince even Coke of the advantages which the country would derive from the maintenance of the Court. He ordered two men, who are described as blasphemous heretics, to be introduced, in the expectation that their language would be sufficiently alarming to turn the tide in his favour. He did not know the man with whom he had to deal. In spite of the Archbishop's ingenious device, the judges left the room without having taken their seats in a tribunal which was directed to inflict fine and imprisonment beyond the limits which they held to be authorised by the law.[1]

Abbot, however, though flouted by the judges, gained his point through the support of the King. He little knew that he was forging a weapon for the hands of the man whom, above all others, he cordially detested, and who would be certain to use it in defence of a system which he himself regarded with the deepest abhorrence. That man was William Laud, then a fellow of St. John's, at Oxford. Abbot had frequently come into collision with him in the University, and had done everything in his power to throw obstacles in the path of one who boldly professed his adherence to a very different system of theology from that in which he had himself been trained.

Opposition between Abbot and Laud at Oxford.

It was in Laud that the reaction against Calvinism reached its culminating point. The whole theory and practice of the Calvinists circled round the profound conviction that God makes Himself known to man by entering into a direct communication with his spirit. The whole theory and practice of their opponents circled round an equally profound conviction that God makes Himself known by means of operations external

[1] *Rep.* xii. 88. The name of Bancroft is, of course, inserted in this report by mistake for that of Abbot.

to the individual Christian. Starting from this point, they were ready to ascribe an importance, which appeared to their adversaries to be little short of idolatry, to everything which could speak to the senses and the imagination. With them the place, which in the Calvinistic system was occupied by the preaching of the Word, was filled by the sacraments which spoke of a reliance upon God which was not based upon the growth of the understanding or the feelings. Men were to be schooled into piety by habitual attendance upon the services of the Church. At those services nothing unseemly or disorderly was to be permitted, by which the mind of the worshipper might be distracted. Uniformity of liturgical forms and uniformity of ecclesiastical ceremony would impress upon every Englishman the lessons of devotion which were to sustain him in the midst of the distractions of the world. This uniformity was to be preserved by the exercise of the authority of the Bishops, who were divinely appointed for its maintenance. The men who held these opinions were the leaders in that great controversy with the Papal Church which was agitating Europe, and who based their arguments on the writers of the third and fourth centuries. It was there that they saw the principles prevailing which they had adopted, and it was from thence that they drew arguments by which their cause was to be defended.

The two systems counterbalance one another.

It is evident that each of these systems supplied something which was not to be found in the other. At the same time, it was evident that a considerable time must elapse before they would agree to tolerate one another. For some time to come, a violent controversy was to be expected: uncharitable accusations would be made, and fiery words would be flung about from every pulpit in the land; but if the Government would be content to maintain order between the contending parties, no great harm would be done. The great body of the laity would refuse to listen to the violence of noisy partisans. Something would be learned from the more moderate on either side. Puritanism, with its healthy faith and manly vigour, would long have continued to supply the muscle and sinew of English religion, but its narrow severity would have given way before the broader and gentler

teaching of the disciples of Hooker and of Andrewes. The storm would have been followed by a calm very different from the stagnation of the eighteenth century.

Danger of Government interference.

If, on the other hand, the Government should determine to interfere, and to lend its aid to establish the unchecked supremacy of either party, the most disastrous consequences would inevitably ensue. Once armed with powers sufficient to enforce their own principles upon the whole Church of England, that party which was fortunate enough to gain the ear of the King would excite a general resistance, and bring about a conflict from which the Sovereign himself would hardly escape scathless.

Character of Laud.

Of those to whom Calvinism was distasteful, Laud was the most decided in his opposition. Of all men then living, he was the least fitted to be entrusted with political power. No less conscientious than Abbot, he was still more riveted to the system which he had adopted. To him the words might have been applied which were afterwards used of Robespierre: "This man will go far, for he believes every word he says." His thorough belief in the unbounded efficacy of external forms and institutions, combined with his complete ignorance of human nature, would be sufficient to goad to madness any nation which might be subjected to his control. Within the limits which his system allowed him he was all that could be desired. He was ever anxious to do good, and was unwearied in his labours for what he considered to be the cause of God, of the Church, and of his country.

His theory of the Divine right of Episcopacy.

The question which brought Laud into collision with the Calvinists at Oxford was one which placed the principles of the contending parties in distinct relief. In his exercise for the degree of Bachelor of Divinity he maintained not only that Episcopacy was of Divine origin, but that no congregation which was not under the government of a Bishop could be considered to form part of the Church. It was objected to him that, in that case, he unchurched the whole body of foreign Protestants.[1] He might have answered,

[1] This answer has, I think, been misunderstood by those who reply that if Laud's theory was true, it was to no purpose to urge that it led to

if he had chosen, that Abbot's theory unchurched St. Anselm and St. Bernard; for Abbot would acknowledge no church excepting where what he considered to be pure doctrine was preached. From that time Laud was regarded as a mere Papist by the Calvinist party, which was in the majority amongst the elder members of the University. This he certainly was not, though he looked at many questions from the same point of view as that from which they would be regarded by the Catholics. He doubtless found consolation in the support of that large number of the younger members of the University who shared in his opinions.

He is elected President of St. John's.

Towards the end of 1610, Abbot's friends were thrown into dismay by hearing that Laud was likely to acquire an influential position at Oxford. It was known that Buckeridge, the President of St. John's, was to be appointed to the vacant see of Rochester, and that he was using all his influence with the fellows to induce them to appoint Laud as his successor. News of the apprehended danger was carried to Abbot, who immediately waited upon Ellesmere, who, after Bancroft's death, had been elected Chancellor of the University, and persuaded him to represent to the King the danger of allowing a man so deeply tainted with Popery to occupy a post of such importance. Laud, however, found an advocate in his patron Neile, the Bishop of Coventry and Lichfield, and the election was allowed to proceed. On May 10, 1611, he was chosen President; but as there was some irregularity in the proceedings, an attempt was made to set the election aside. The King, whose intervention was asked, referred the matter to Bilson, who, as Bishop of Winchester, was the Visitor of the College. Bilson reported that the irregularity certainly existed, and suggested that James should take advantage of it to claim the nomination for himself. James begged him to let him know whether the error in the proceedings had been intentionally committed. In the end, he summoned the parties before himself, and, after an examination which lasted for three days, he decided that the election

unpleasant consequences. It was an *argumentum ad absurdum*. The consequences were manifestly false, therefore the theory could not be true.

was to stand good, as there was reason to suppose that the mistake had resulted simply from a misunderstanding of the statutes. He refused to take advantage of Bilson's suggestion, which would, as he said, be a bad example for the future.[1]

Controversy of James with Vorstius.

Abbot was more successful in directing the current of the King's indignation against the learned Conrad Vorstius, who had recently been appointed professor of theology in the University of Leyden. His opinions concerning the nature of God[2] were such as in our own days would certainly disqualify him from holding such an office in any Christian University. Connected as Holland and England then were, in the defence of their common religion, there would have been nothing strange if James had contented himself with offering a friendly remonstrance to the States. Such a course, however, would not have satisfied him. He threw himself into the quarrel with all the zeal of a theological controversialist. He had on his side Maurice and the greater part of the Dutch clergy. On the other hand, the statesmen of Holland, and the mercantile aristocracy which they represented, were on the side of toleration. Their opposition brought down upon their heads a whole torrent of protests and invectives from the Royal theologian. It was only after a long resistance that the fear of alienating the King of England from their cause induced them to give way, and Vorstius was ordered to resign his professorship.

1612. Burning of Legate and Wightman

Whilst this controversy was still in progress, James found an opportunity for the establishment of his reputation for orthodoxy nearer home. An unfortunate man, named Edward Wightman, was convicted by Bishop Neile of holding several distinct heresies. About the same time a question arose in London as to what was to be done with a man named Bartholomew Legate, who professed Arian opinions. Legate had frequently been brought into the presence of James, who had finally, upon his confessing that

[1] Laud's *Diary*. Answer to Lord Say's speech (Laud's *Works*, iii. 34; vi. 88). Bilson to the King, June 14, 1611. The King to Bilson June (?) and Sept. 23, 1611, *S. P. Dom.* lxiv. 35, 36; lxvi. 25.

Winwood, iii. 294.

he had ceased to pray to Christ for seven years, driven him out of his presence. He was then brought before the Consistory Court of the Bishop of London, by which he was committed to Newgate. Having been released, he had the imprudence to threaten to bring an action against the Court for false imprisonment, and he was again arrested, in order to be brought once more to trial.

Unfortunately, James was in the full flush of his controversy with Vorstius. It was not to be borne that the heresy against which he was contending in Holland should rear its head in his own dominions. Elizabeth had burnt two heretics, and why should not he do the same? There was, however, some doubt as to the legality of the proceedings which were contemplated; and it was necessary to take the opinion of at least some of the judges. Coke, as was known, believed that the proposed execution was illegal. Abbot was therefore directed to write to Ellesmere, requesting him to choose some of the judges to be consulted on the point, and informing him that the King would not be sorry if Coke were excluded from the number.[1]

It must not, however, be imagined that Coke had any scruples on the score of humanity;—it was with him, like everything else, a mere question of law, and he never had the slightest doubt that it was perfectly lawful to burn a heretic;—but he believed that it was necessary to obtain a conviction in the Court of High Commission before a writ could issue out of Chancery for the execution. Hobart and Bacon, together with the judges who were consulted, declared that a conviction in the Bishop's court would be sufficient.[2]

Upon this it was determined to proceed against Legate in the Consistory Court, although even the judges, who held that

[1] Abbot to Ellesmere, Jan. 21 and 22, 1612, *Egerton Papers*, 447.

[2] The Act of Elizabeth, it was agreed, abolished all statutes concerning the burning of heretics. Coke held that, previously to the reign of Henry IV., heretics had been burned by Convocation alone, and that the judicial powers of Convocation were now vested in the High Commission. The other lawyers held that Bishops had exercised jurisdiction over heresy before the reign of Henry IV., and that they consequently retained those

such a course would be legal, thought it advisable to cite the prisoner before the High Commission. The only explanation of this decision is that James wished to show that he was able to override the opinions of Coke.

The conviction followed as a matter of course, and the writ was issued out of Chancery without remonstrance from any quarter. On March 18, 1612, the wretched man was burnt at Smithfield. A few days later, Wightman suffered a similar fate at Lichfield.

It seems strange to us that not a word was uttered against this horrible cruelty. As we read over the brief contemporary notices which have reached us, we look in vain for the slightest intimation that the death of these two men was regarded with any other feelings than those with which the writers were accustomed to hear of the execution of an ordinary murderer. If any remark was made, it was in praise of James for the devotion which he showed to the cause of God. Happily, if men of education failed to regard these acts of tyranny in their true light, there was a spirit abroad amongst the common people which warned the King that there was nothing to be gained by a repetition of the experiment which had been tried. When, a few years afterwards, a Spanish Arian was convicted of heresy, he was allowed to linger out the rest of his life in prison. This was bad enough, but it was at least a step in advance. Since the judicial murder of Wightman, no such atrocity has disgraced the soil of England.[1]

Not long after the execution of Legate and Wightman, an event took place which enabled James to vindicate his character for justice. The favour shown to Scotchmen at Court gave rise to much ill-feeling amongst Englishmen, who fancied themselves slighted, and this feeling sometimes gave rise to actual violence. Amongst those who, on one occasion, took part in the festivities at Whitehall, was a gentleman named Hawley, a

powers, though they could no longer make use of the Act of Henry IV. to require the sheriff to burn the heretic. It would now be necessary to obtain a writ *de heretico comburendo* out of Chancery. — 3 *Inst.* 39; *Rep.* xii. 56, 93; Hale, *Pleas of the Crown*, part i. chap. 30.

[1] *Fuller* v. 418; *State Trials*, ii. 727.

member of the Temple. He gave some slight offence to one of the gentlemen ushers, a Scotchman of the name of Maxwell. Maxwell, instead of remonstrating, seized him by the ear to drag him out of the palace. Next day, all the Inns of Court were talking over the outrage, and the members came in crowds to Hawley, offering to support him in the quarrel. His first step was to send a challenge to Maxwell. Here, however, he was stopped. The King, who had heard what had happened, sent for him. Such was the feeling against the manner in which James supported his countrymen, that Hawley purposely kept out of the way, in order not to receive the message, which would, as he supposed, only lead to his being subjected to fresh insults at Court. James was actually obliged to send for the Benchers of the Temple, and to assure them that, if Maxwell were in the wrong, he would give him no support. Upon this Hawley came forward, and Maxwell was with some difficulty induced to make a proper apology.

Quarrel between Maxwell and Hawley.

A few days before this quarrel occurred, a murder was committed in London, under circumstances of no ordinary atrocity. About seven years previously, Lord Sanquhar, a Scottish baron of the ancient family of Crichton, had lost an eye in playing with a well-known fencing-master of the name of Turner. He fancied that the injury had been inflicted by design, or, at least, through culpable negligence ; and, from that time forward, he bore a grudge against Turner for what he had done. As soon as he recovered from the effects of the wound, he went into France, and whilst he was there Henry IV., thoughtlessly or mischievously, asked whether the man who had disfigured him still lived. Not long afterwards Sanquhar returned to England determined to take vengeance for the injury which he had received. He brooded over his loss till he was ready to become a murderer, fancying all the while that he was only acting in accordance with the dictates of the laws of honour. For some days he tracked his victim up and down London in vain. On his return from a visit to Scotland, he renewed the search. It was at this time that he descended a step lower in his career of baseness. He was aware that he was well known in White-

Murder of Turner by the order of Lord Sanquhar.

friars, where Turner's fencing school was situated, and that, if he set upon him in his own house, it would be almost impossible for him to escape detection. He therefore agreed with two of his countrymen to play the part of the assassin in his place. He himself went to France, in order to be out of the reach of the law, when the deed was done. For some time he waited for the news in vain. Either the two men had never intended to execute his orders, or their hearts failed them when the time came. When Sanquhar came back to London once more, Turner was still alive and well. This time, two of his own servants, Gray and Carlisle, undertook to accomplish the villany. But Gray's heart failed him, and he fled away, intending to take refuge from his master in Sweden. Upon this Carlisle assured Sanquhar that he should not be disappointed, as he was himself ready to carry the project into execution. He accordingly took with him a friend, named Irwin, and going at once to Turner's house, shot him dead with a pistol. Carlisle succeeded in escaping to Scotland, but his accomplice was taken. Irwin was examined, and gave reason to believe that Sanquhar was, in some way or another, implicated in the deed. The suspicions against him were strengthened by the fact that he had been keeping out of sight for three or four days. The King took the matter up warmly, and issued a proclamation offering a reward for his apprehension, as well as for that of Carlisle. Before the proclamation appeared, Sanquhar surrendered himself to the Archbishop at Lambeth. He protested his innocence, and apparently thought that he might escape punishment as he had had no direct dealings with Irwin, and the only witnesses who could speak of his guilt from personal knowledge had made their escape. In this hope he was doomed to disappointment. Gray was intercepted at Harwich as he was going on board ship, and made such revelations as were sufficient to drive Sanquhar to a full confession of his guilt. Carlisle was afterwards taken in Scotland, and brought up to London. Both he and Irwin were convicted without difficulty, and were immediately executed.

On June 27, Sanquhar was indicted in the Court of King's Bench, for procuring the murder of the unfortunate Turner.

Trial and execution of Sanquhar.

He pleaded guilty, acknowledging in general terms that he had acted wrongly; but it was evident that he still believed that he was justified in what he had done, at least by the laws of honour. He concluded his confession by asking for mercy. James was not inclined to interfere with the sentence of the law. Sanquhar, though a Scotchman, was not one of his favourites, and there was no motive, in this case, to pervert his sense of justice. The wretched man was accordingly left to his fate. On the morning of the 29th he was hanged in front of the great gate of Westminster Hall. Before his execution he expressed his sorrow for his crime, and ended by declaring that he died in the faith of the Roman Catholic Church. It is characteristic of the time that the compassion of the bystanders, which had been moved by his acknowledgment of his offence, visibly abated when this last statement was made.[1]

[1] *State Trials*, ii. 743. Chamberlain to Carleton, May 20, July 2, *Court and Times*, i. 166, 179.

CHAPTER XV.

FOREIGN ALLIANCES.

It is impossible to track out with any certainty the policy of Salisbury either in domestic or foreign affairs. Not merely had he often to affect an unreal acquiescence in James's opinions, but he seems, in order that he might keep himself in the current of political influence, frequently to have made a show of forwarding schemes of which he disapproved. Yet there is a strong probability that he hoped to make the English intervention in Juliers the basis of a fresh departure in foreign policy, and to place England at the head of an alliance which, without assuming a provocative attitude, should at least oppose a barrier to that Spanish aggression which, since the murder of Henry IV., had once more become a positive danger to Europe.

1610. Salisbury and the anti-Spanish alliance.

It was in this spirit that he had warmly supported the union with France, and that as soon as this was assured, he turned his attention to those grievances of the English merchants in Spain which in 1607 had moved the compassion of the House of Commons, and which were still substantially unredressed. Cornwallis, indeed, had been most active in pressing these claims upon the attention of the Spanish Government, and had at his own expense employed advocates to maintain them in the courts of law. When he returned to England in 1609, he left behind him his secretary, Cottington, who was to act as agent for the King of England until the appointment of another ambassador. Cottington took up the cases immediately, and left no stone

The case of the English merchants in Spain.

1609.

unturned to obtain justice.[1] At last, on December 1, 1609, a judgment was given in the case of the 'Trial.' The vessel was to be restored to its owners, but nothing was said about the value of the merchandise, or about reparation for the inhuman treatment inflicted upon the crew. Nor was it easy to obtain restitution even of the vessel itself. The Duke of Feria, who had been Viceroy of Sicily when the seizure was effected, was dead, and his son, who had succeeded to his title, was far too powerful a personage to pay any attention to the sentence of an ordinary court. Cottington complained that, in spite of all his efforts, nothing was done. At last, three days after the signature of the treaty with France,[2] Salisbury wrote to him, ordering him to present his complaints formally before the Spanish Government, and to intimate that if justice were still denied, he was directed to return home at once, to give an account of the treatment to which English subjects were exposed.

1610.

The effect of this was immediate. He was told indeed that, in the case of the 'Trial,' nothing could be done for the present, as the Duke of Feria was in France, and it was necessary to wait for his return. Orders were, however, placed in his hands, commanding the various tribunals to proceed expeditiously in the other cases of which he complained. These orders he received on October 20, and on April 10 in the following year[3] he was able to report not only that he had at last obtained several decisions in favour of the merchants, but that those decisions had actually been carried into effect. There were, however, important cases still remaining undecided, and these were left to the advocacy of Sir John Digby, who was to go out as ambassador in the course of the summer of 1611.

Effect of Cottington's remonstrance.

1611.

Whilst Salisbury was thus extending his protection to Englishmen whose interests were menaced by Spain, he did not neglect the wider political aspect of the situation. It was

[1] The despatches in the *S. P.* are full of details on this subject.

[2] Salisbury to Cottington, Aug. 21, *S. P. Sp.* The treaty was signed on the 19th. See p. 101.

[3] Cottington to Salisbury, April 10, *S. P. Sp.*

his anxious wish that the alliance with the enemies of the House of Austria might be strengthened by the marriages of the King's children.[1] The Lady Elizabeth had grown up far from the frivolities and dissipations of the Court, at Combe Abbey, under the watchful care of Lord and Lady Harrington. No better school could have been found for her than a country house, presided over by a master and mistress who gained the respect and the love of all who knew them. From them she learned the religion, free from fanaticism or superstition, which was at no distant date to support her under no ordinary trials. In the spring of 1611, she had not completed her fifteenth year, but she was already noted for a grace and discretion beyond her years. She was the darling of her brother Henry, and she won golden opinions from young and old at her father's court, to which she was now transferred.[2] Young as she was, proposals had already been made for her hand. Since the plan for marrying her to the Prince of Piedmont had been wrecked on the Pope's refusal to countenance it, her hand had been demanded for the youthful heir to the throne of Sweden, who was afterwards to be so well known as the great Gustavus Adolphus. James, however, had refused to countenance an alliance with an enemy of his brother-in-law the King of Denmark, and it was not till the beginning of 1611 that an offer was made which James thought worthy of being taken into consideration.

The Princess Elizabeth.

The Elector Palatine, to whose leadership the Protestant Union owed its existence, had died in the previous year, leaving his son, Frederick V., a minor. Not long before his death, the old Elector had made advances to the English Court, with a view of obtaining the hand of Elizabeth for his heir. They had been not unfavourably received, but they do not appear to have assumed the form of a definite proposal. The idea was taken up, after the death of the Elector, by his widow, daughter of the great

Proposed marriage with the Elector Palatine.

[1] Elizabeth was now again James's only daughter. The two children, Mary and Sophia, who had been born after his accession to the English throne, had both died in their infancy.

[2] Green, *Princesses of England*, vol. v.

William of Orange, and by her brother-in-law, the Duke of Bouillon, one of the leaders of the French Protestants. In January 1611, Bouillon met Edmondes at Paris, and sounded him as to the reception which the proposal of such an alliance would find in England. Edmondes, on applying for instructions, was told to answer that James regarded the marriage with a favourable eye, but that he could not give a decided answer till a formal demand had been made.[1] The Electress, on hearing this, declared herself well satisfied, but said that she could not send a regular proposal till she had secured the consent of the three guardians of her son, Count Maurice, the Prince of Anhalt, and Count John of Nassau.[2]

This reply must have reached London about the end of April. About a month before another application for Elizabeth's hand had been made on behalf of the Prince of Piedmont by the Savoyard ambassador, the Count of Cartignana. On inquiry, it appeared that he had only authority to treat on condition that another marriage should be effected between the Prince of Wales and his master's daughter, and that even on those terms he was not at liberty to promise to the Princess Elizabeth the free exercise of her religion. It is probable that the Duke knew that in no other way would Paul V. be induced to give permission to the marriage.

The Duke of Savoy proposes a double marriage.

It is in the highest degree probable that, if Salisbury could have had his way, Cartignana would have been dismissed with a polite but decided refusal. But the Lord Treasurer had to reckon with that party at the English Court which was headed by Northampton, and which, believing that a restoration of Catholicism would be the safest bulwark against democratic Puritanism, hoped to effect its object by providing the Prince of Wales with a Catholic wife. Yet if Salisbury was unable entirely to break off the negotiation, he was strong enough to throw almost insuperable difficulties in its way. Cartignana, who was returning to Turin, was told that no overture could be made on the subject of the prince's marriage, and that as to

[1] The Council to Edmondes, Feb. 7. Edmondes to Salisbury, Jan. 19, *S. P. France.*

[2] Edmondes to Salisbury, April 24, *ibid.*

the Princess, she would never marry without the free exercise of her religion. The King, said Salisbury, would not so abandon her to make her Queen of the world.[1]

In Northampton's dream of a Catholic restoration James assuredly had no part. His own dream was nobler, if it was quite as impracticable. He wished to put an end to religious warfare, and to persuade the Catholic powers and the Protestant powers of the Continent that it was for their real interest to abstain from mutual aggression. Why should not he and his family be the centre round which this new league of peace should form itself? Why should not one at least of his children be united in marriage bonds with a Catholic? The difference of religion ought to prove no hindrance, if mutual respect kept those united who were disunited by creed. The arrangement by which a Catholic bride was to be provided for the future King of England would be especially satisfactory if a princess could be found whose dowry would be large enough to be employed in the payment of her father-in-law's debts. Scarcely had Cartignana left England when James's hopes were encouraged by a far more brilliant proposal than that which the Savoyard envoy had it in his power to make. The Spanish ambassador, Alonzo de Velasco, declared that if the king would demand for his son the hand of the Infanta Anne, the proposal would not meet with a refusal at Madrid. Whatever Salisbury may have thought of the offer, James could not bring himself to suspect that the Spaniards merely wanted to amuse him,[2] and directed Digby to demand the Infanta on his arrival at Madrid, if he found that the Spaniards were in earnest, and were willing to agree to reasonable conditions.

James's views.

A Spanish Infanta offered.

Digby ordered to ask for the Infanta.

June, 1611. The Spanish Government draws back.

When Digby arrived, in June, he found that the Spanish Government was by no means anxious for the alliance. Philip passed Digby on to Lerma, who, as soon as he saw him, began to make excuses. He said that,

[1] Salisbury to Winwood, April 3, *Winw.* iii. 271. Sir R. Dudley to Paul V., $\frac{\text{Nov. } 29,}{\text{Dec. } 9,}$ 1612, *Roman Transcripts, R. O.*

[2] Digby to the King, June 4, 1613, *S. P. Spain.*

although he should be glad if such a marriage could take place, the difference of religion was an obstacle which could only be removed by the Pope; and that if the King thought that his daughter would be drawn away from her faith, he would not consent to see her married to a heretic, if it were to save his kingdom.[1] In spite of these obstacles, however, the matter should be taken into consideration, and in due time an answer should be given. The fact was, as Digby soon learned, that the Queen-Regent of France had proposed that the double marriage, to which she had been unable to obtain her husband's consent, should now take place; and that the Spaniards rightly judged that an alliance with a Catholic sovereign was more likely to prove lasting than one with Protestant England. Some weeks later, Digby was informed that the ambassador in England had exceeded his instructions, and that the Infanta Anne was to become the wife of the young King of France. If, however, the Prince of Wales would be content with her sister Maria, Spain would be ready to negotiate on the subject. In reporting this conversation, Digby begged the King to give up all thought of a Spanish match for the Prince. The Infanta Maria, he told him, was a mere child, not yet six years of age, and it was certain that the Spaniards were only desirous of playing upon his credulity.[2]

Salisbury was delighted with the turn matters had taken. The Prince, he said, could find roses elsewhere; he need not trouble himself about this Spanish olive.[3] James, perhaps ashamed of having been deceived so thoroughly, was only anxious to let the matter drop. But his desire for a Catholic daughter-in-law had not died away, and Northampton was not likely to be slack in arguments in favour of such a plan. Salisbury, however, resolved that if there was to be a Catholic Princess of Wales it should be one of his own choosing.

Before the end of October he sent for Lotto, the agent of

[1] Digby to —, Birch, *Life of Henry Prince of Wales*, 530. Instructions to Digby, April 7, 1611; Digby to Salisbury, June 18, 1611, *S. P. Sp.*

[2] Digby to the King, Aug. 9, 1611, *S. P. Sp.*

[3] Salisbury to Winwood, Sept. 5, *Winw.* iii. 290.

the Grand Duke of Tuscany, and asked him to enquire whether his master would give one of his sisters to the Prince. The agent said something about the question of religion. "If you want," replied Salisbury, "to change the religion of the realm, we will never consent, but if you only wish that the Princess shall have the exercise of her own religion, we shall easily agree." He added that, as Treasurer, he had another point to mention. He wished to know what portion the Grand Dukes of Tuscany were accustomed to give.[1]

October. Salisbury proposes a Tuscan Princess.

Whilst Salisbury's message was on the way to Florence, Cartignana reappeared in England with instructions to ask for the Princess Elizabeth alone. Salisbury threw all his weight into the scale against him, and James inclined to follow Salisbury's advice. When, in December, he learned that the Electress had obtained the consent of her son's guardians to his marriage with the English Princess, he gave up all thought of marrying his daughter to the Prince of Piedmont. Cartignana returned home complaining of the indignity put upon his master by the preference shown to a German elector.[2]

November. The Savoyard marriage rejected.

James consents to the marriage of his daughter with the Elector Palatine.

To show that something more than a merely family alliance was intended, James directed Winwood to attend a meeting which was held by the German Protestants at Wesel in the beginning of 1612, and to assent to a treaty, by which the King of England and the Princes of the Union agreed upon the succours which they were

March 28, 1612. Treaty of alliance with the Union.

[1] Lotto adds, in writing to his master, that there had been a talk of finding a Protestant wife for the Prince, 'ma degli Inglesi et occulti Cattolici, che ve ne sono però molti, affirmano tutti, che se il signor Principe piglia una moglie heretica, che loro sono spediti per sempre, et che mai più quel Regno non tornerà Cattolico, che per essere stato non è molto Cattolichissimo. Sperebbono con l'introduzione d'una Regina Cattolica di poter forse tornare al lor primiero stato.'—Abstract from Lotto's despatches, Oct. $\frac{11}{21}$, $\frac{\text{Oct. } 25}{\text{Nov. } 4}$, $\frac{31}{10}$, *Roman Transcripts*, *R. O.*

[2] Chamberlain to Carleton, Nov. 13; *Court and Times*, i. 144; *Tidings from England*, Dec., *S. P. Dom.*, lxvii. 118. Edmondes to Salisbury, Dec. 21; Salisbury to Edmondes, Dec. 26, *S. P. France.*

mutually to afford to one another in case of need.[1] The envoys who brought this treaty to England for ratification were empowered to make a formal demand for the hand of Elizabeth, and on May 16, the marriage contract was signed.[2]

Continued offers of Spain.

The treaty was perhaps the more acceptable to James because the Spanish Government had lately been compelled to unmask its views. All through the spring, Digby had been from time to time charged with messages to his master to the effect that Philip would gladly agree to give his younger daughter to the Prince, if only matters of religion could be accommodated. When Lerma was asked what was meant by accommodating matters of religion, he coolly replied that Philip expected that the Prince of Wales should become a Catholic.

For some time at least no more was heard of a Spanish marriage. No one would have rejoiced more than Salisbury at the failure of the negotiation with Spain, combined with the success of the negotiation with the Elector Palatine. He was no longer capable of joy or sorrow. His health had long been failing. Though he had not completed his forty-ninth year he was prematurely old. In December, 1611, he had an attack of rheumatism in his right arm. Towards the end of the month, it had almost entirely passed away.[3] A few weeks later he was seized with an ague, which was accompanied by symptoms which indicated that his whole system was breaking up.[4] From this condition he rallied, and it was supposed that the danger was at an end. In the second week in March he was able to walk in his garden and began to apply himself to the business of his office. A few days later it was given out that he was completely recovered, and that his illness had never been serious.[5] The change did

May. Salisbury's death.

1612.

[1] March 28. *Rymer*, xvi. 714.

[2] *Ibid.* xvi. 722.

[3] Chamberlain to Carleton, Dec. 4 and 18, *Court and Times*, i. 151.

[4] More to Winwood, Jan. 25 and Feb. 17, *Winw.* iii. 331, 337.

[5] Chamberlain to Carleton, Feb. 26, March 11 and 21 (*Court and Times*, i. 135, 137; *S. P. Dom.* lxviii. 78). Here, as in several instances, the editor of the valuable collection published as the *Court and Time of*

not last long. The physicians were unable to discover the nature of the disorder which was again settling upon him. Towards the end of April, he made up his mind to try the Bath waters, though he was told that the place would only prove injurious to him. He was anxious to be quiet, and to lose sight of the men who, as he well knew, were only waiting for his death to scramble for his offices. Before he went, he twice dragged himself to the council table, and on each occasion spoke for no less than two hours.[1] He remained at Bath for sixteen days. At first he revived a little, but afterwards he rapidly grew worse. His mind was troubled by the remembrance of the plotters in London, and he could not rest satisfied without making one more effort to show them that he was still alive. In this determination he was strengthened by his dislike of what he called the suffocating sulphurous air of Bath. Summoning the last remains of his strength, he set out for London. He never accomplished his journey. On May 24 he breathed his last at the parsonage-house at Marlborough.[2]

When the dying statesman left Bath, his steps had been hastened by a desire to show himself once more in London, to the discomfiture of his rivals. Before he reached Marlborough, all such thoughts seemed to have left him for ever. If he expressed any anxiety, it was that his children might live virtuous and religious lives. When he spoke of himself, his words were those of a man who had been too much occupied with the affairs of life to know much about theological questions. Whatever his faults were, and they were many, he had in the main striven to do his duty to his country. Whatever may be the truth concerning the dark intrigues with the Spanish ambassador, or concerning those more private vices with which rumour delighted to blacken his fame, to all appearance, at least, he died as one who was aware of having committed many faults,

James I., has misplaced the letters, having forgotten to alter the date with the change in the commencement of the year.

[1] Chamberlain to Carleton, March 25, *Court and Times*, i. 162, April 29, *S. P.* lxviii. 104.

[2] Chamberlain to Carleton, May 27, *Court and Times*, i. 168; Finett to Trumbull, May 28, *Winw.* iii. 367.

but who was ignorant of any deed which might weigh down his conscience in the hour of death, and who had kept the simplicity of his faith intact. The victories and the defeats of the world were all forgotten now. Quietly and calmly the last of the Elizabethan statesmen went to his rest.[1]

The news of the Treasurer's death was received in London with satisfaction. The heartless Northampton and his followers fancied that the time was now come when they might rule England unchecked, and might divide the spoils of office amongst themselves. Bacon believed that a free field would now at last be open for the exercise of his talents, and for the reforms upon which he had meditated so long. James had long been weary of the yoke, and was by no means sorry to be rid of his monitor. Nor was it only at Court that the dead man's name was regarded with aversion. The popular party, which was daily growing in strength, looked upon him as the author of the hated impositions. Many who cared little about politics, only knew him as the great man who had kept the reins of government in his own hands, and who himself was rich whilst the Exchequer was lying empty. Other causes have made posterity unjust to his memory. The system of government which he upheld was deservedly doomed, and when it had passed away, it was hard to believe that anyone could innocently have taken part in practices which a later age condemned as oppressive and injurious to the welfare of the nation. It was still harder to imagine that the man who succeeded, whilst Essex and Raleigh, Northumberland and Bacon failed, could have prospered except by the most unscrupulous treachery.

Unpopularity of Salisbury.

Salisbury's want of sympathy with the foremost men of his own generation prevented him from attracting round him the rising talent of the next. He founded no political school; he left behind him no watchword by which the leaders in the great conflict which was so soon to break out could arouse the flagging energies of their followers; he threw no light upon the questions which were for such a length of

Causes of his failure.

[1] Observations of Mr. John Bowles, Peck's *Desiderata Curiosa* 205.

time to agitate the minds of his countrymen; he stood alone whilst he lived, and when he died there were few to mourn his loss.

Bacon spoke truly of Salisbury when he told the King that he was fit to prevent affairs from growing worse, though he was not fit to make them better. James, in his reply, let it be known that he thought that Salisbury had failed in preventing his affairs from growing worse.[1] The charge was true, but it was not altogether true that the fault lay at Salisbury's door. It was James, whose extravagance had driven the Treasurer to the necessity of laying the impositions which raised such ill-feeling between the nation and the Crown; and if Salisbury failed to give his support to the wider ecclesiastical policy of the House of Commons, his mistake in this respect was shared by James.

Of Salisbury's unwearied industry it is unnecessary to speak. His presence at the Treasury breathed at once a new spirit into the financial administration. Nothing was too small to escape him. He succeeded without difficulty in raising the revenue to an amount which would have filled Elizabeth with admiration, though it was all too little for her successor.[2] All the while he was carrying on the business of Secretary, which he continued to hold, and directing the course of foreign and domestic policy.

Of his foreign policy it is difficult, if not impossible, to speak with certainty. It is probable that if he had been left to himself he would have advocated a general policy of distrust towards Spain, and a cautious alliance with the Dutch Republic. But he was not his own master. James's fantastic views on the possibility of obtaining the concurrence of all sorts of persons by the simple expression of honest opinion, had nowhere greater scope than in the direction of his foreign relations. Salisbury

[1] *Letters and Life*, iv. 278, note 1.

[2] A good sketch of what he effected in this office will be found in Sir Walter Cope's Apology, printed in Gutch's *Collectanea Curiosa*, i. 119. Mr. Spedding (Bacon's *Letters and Life*, iv. 276) says that the total result of Salisbury's financial administration appears to have been the halving of the debt, at the cost of almost doubling the deficiency. But the former was the result of his own labour; over the latter he had but little control.

had not to guide, but sometimes to influence, often merely to follow. He had to advocate schemes which he detested, and to co-operate with persons whom he disliked. It is probable that, if we knew all, these considerations would be found to supply the key to the riddle of his seemingly cordial relations with Northampton, and of the friendly footing upon which, by the acceptance of large sums of money, he stood with successive Spanish ambassadors. There can be little doubt that his latest achievement, the alliance with the Elector Palatine, was all his own, and that it fairly represents the policy to which, if he had had free course, he would have addicted himself in by-past years.

However ably the late Treasurer discharged the duties of his place, it could hardly be expected that the aspirants for office could look on with satisfaction whilst he engrossed the whole work and credit of government. It remained to be seen whether those who were so eager to occupy his seat would be able to imitate his wisdom.

It was generally expected that the white staff of the late Lord Treasurer would be placed in the hands of Northampton; but Northampton was by no means eager, at such a time, to take upon himself the responsibilities of the office. The Treasury was therefore entrusted to the charge of Commissioners. Their names were not likely to inspire confidence in their skill. The only man amongst them who had any practical acquaintance with finance was Sir Julius Cæsar, the Chancellor of the Exchequer, and even he had no abilities above those which might be possessed by any experienced clerk. The high-sounding names of the Earls of Northampton, Suffolk, and Worcester, and of Lords Zouch and Wotton, only served to fill up the list.[1]

The Treasury put in commission.

Far more eagerness was shown to obtain the Secretaryship, which did not entail the labour of watching over an empty Exchequer. The post was coveted by a large number of persons, each of whom imagined that he had the best claim to succeed to the deceased statesman. Amongst them was one, who if James could have been bold

Candidates for the Secretaryship.

[1] Chamberlain to Carleton, June 17, *Court and Times* i. 173. Lord Wotton was a brother of Sir Henry.

enough to accept him as an adviser, and humble enough to submit to his teaching, might have made the course of his reign different from what it was. Bacon offered to forsake the law and to devote himself to the task of reconciling the King with his Parliament.[1] James, however, was in no hurry to meet his Parliament again, and had a very insufficient perception of the necessity of changing his mode of government if he was to avoid disaster. Bacon was therefore passed over in silence. Gradually, however, the numbers of those who had any chance of obtaining the object of their desires diminished ; and at last it was rumoured among the courtiers that the choice lay between Sir Henry Wotton, Sir Thomas Lake, and Sir Henry Neville.[2]

Sir Henry Wotton.

Sir Henry Wotton was supported by the influence of the Queen, and at first even by that of the Prince of Wales. He was looked upon as a man likely to walk in the path which had been traced out by Salisbury. It was reported that before his death Salisbury had intended to resign the Secretaryship in his favour. He was a man of integrity and ability, and had won the regard of James as well by his reputation for learning as by a service which he had rendered him before his accession to the English throne. There was something in him of that steadiness and solidity of character for which Salisbury had been distinguished, but it is hardly likely that he would have succeeded as a statesman. Even if he had been naturally qualified to act as the guide of a nation which requires in its leaders sympathy with its noblest aspirations, his long absence from his native land was sufficient to create a wide gulf between himself and his fellow-countrymen. Since he had completed his education, he had spent the greater part of his life in Italy, at first by choice, and latterly as Ambassador at Venice. The opposition which had been aroused by nine years of unpopular government found no echo in his breast. He had only heard of the errors of his Sovereign through the medium of a distant correspondence. If he had learned in Italy to be tolerant of differences of opinion, he had also learned to think

[1] Bacon to the King, *Letters and Life*, iv. 281.

[2] Chamberlain to Carleton, June 11, *Court and Times*, i. 171.

of that great cause of Protestantism in which England was sure for a long time to come to feel the deepest interest.[1]

Sir Thomas Lake.

Sir Thomas Lake was a man of a very different character. He had no pretensions to be anything more than a diligent and ready official. No scheme of policy, domestic or foreign, was ever connected with his name. Of the three rivals he is the only one of whom we hear that he offered a bribe to obtain the post which he coveted. His promotion would hardly have given pleasure to anyone, excepting perhaps to Northampton.

Sir Henry Neville.

The candidate whose selection would have given most satisfaction to the nation was undoubtedly Sir Henry Neville. In the reign of Elizabeth, he had served with credit as Ambassador at Paris. He was in London at the time when Essex was planning his foolish and unprincipled rebellion, and had unfortunately been made acquainted with a portion at least of the schemes of the conspirators. There was no reason to suppose that he sympathised with them in the slightest degree; but either from thoughtlessness, or from regard for his informants, he omitted to give information to the Government of what he had heard. As this amounted to misprision of treason, he was committed to the Tower, from which he was only released at the accession of James, in company with Southampton and the other conspirators who had escaped the scaffold. In the Parliament which met in the following year he sat for Berkshire, and although he refrained from taking any prominent part in opposition to the Government, there was never any doubt that his sympathies were with the popular party. A little before the end of the first session of 1610, he took an opportunity of stating to the King, in the plainest possible terms, what the demands of that party were, and of pressing upon him the necessity of giving way. It is evident that the elevation of such a man to the secretaryship would

[1] The manifest dislike which he felt for his embassy to Holland in 1614–15 is enough to show how he felt in this matter. Winwood would never have begged to be removed to Italy or Spain. I have taken my view of Wotton from his voluminous unpublished correspondence in the Record Office.

have been equivalent to a declaration on the part of the King that he was willing to retrace his steps, and in future to govern in accordance with the wishes of the House of Commons. The members of the last Parliament who happened to be in London, came flocking round their candidate. Southampton came up from the country, hoping that the time was now come when the friends of Essex might be admitted to power, and did all he could to forward Neville's prospects.

Even if James had been otherwise disposed to look upon Neville with favour, all this would have been sufficient to move his jealousy. Although, from some unexplained motive, Rochester gave his support to the popular candidate, the King at once declared against him, saying that he would have no secretary imposed upon him by Parliament.[1] He let it be known that he had no thought, for the present at least, of making an appointment at all. He imagined that he was perfectly capable of acting as his own secretary, and of directing the complicated machinery of the domestic and foreign policy of the Government himself. Lake would be sufficiently capable of receiving and sending out the despatches and other necessary documents. If he needed any assistance beyond this, Rochester, whom he had recently raised to the dignity of a Privy Councillor, would be with him. To James it was a recommendation that Rochester had no real knowledge of public business. He wanted an instrument, not a statesman. In the same spirit he chose the Sir George Carew, who had been Ambassador in France, to be Master of the Court of Wards, apparently on the principle that a candidate who was in no way distinguished amongst his contemporaries was more likely, than an abler man would be, to submit to the bidding of his Sovereign.

James determines to be his own secretary.

1613. Relations between England and Spain.

It would have been strange if the attitude assumed by the English Government during the last months of Salisbury's life had not made a difference in its relations with the Court of Spain. As long as there had been any hope that the overtures of that Court would

[1] Chamberlain to Carleton, June 11 and 17, July 2, *Court and Times*, i. 171, 173, 179.

meet with a favourable reception in England, Digby had found that the ministers of Philip III. were not indisposed to redress the grievances of which he was instructed to complain. As soon as he could obtain a hearing, he presented a memorial, in which the wrongs done to the English merchants were set down in detail,[1] and he threatened the Spaniards with the severe displeasure of his master if justice were not done. He was met with abundant promises of compliance, and orders were immediately given that the cases should be brought to a speedy decision. In some of the more recent ones, where the tribunals had not yet taken cognizance of the supposed offences, commands were issued that the goods which had been seized by the King's officers should at once be restored to their owners.

The merchants' grievances.

Dec., 1611.

Digby was not content, as Cornwallis had been, with merely demanding justice, and reporting his good or bad success from time to time to his Government. Immediately upon his arrival at Madrid he set himself to investigate the causes of the evils complained of, and did his best to devise a remedy against their recurrence. He was not long in discovering that they were the almost inevitable result of the Spanish judicial system. Whenever, in consequence of a real or supposed infringement of the customs' law, sentence was given in the local courts against a merchant, the property in question was immediately confiscated and divided into three equal parts, which were assigned respectively to the King, the judge, and the informer. Thus it happened that the interest of the judge would lead him to pronounce sentence for the Crown whenever the case was sufficiently doubtful to give him an excuse for doing so. It was true that an appeal lay to the Courts at Madrid, and that not only were these courts notorious for their integrity, but as a matter of fact, scarcely a single instance had occurred since the peace, in which an Englishman had appealed to them without obtaining a sentence in his favour. But their forms of procedure were extremely wearisome, and it was seldom that a case was before

1612 Digby investigates the causes of the evils complained of.

[1] Digby to Salisbury, Dec. 29, 1611, *S. P. Sp.*

them for less than two or three years. Such a delay, involving as it did the residence at Madrid of the merchant himself, or of his representative, in order to watch the proceedings, caused an expense which none excepting the most wealthy traders could afford. Nor were the difficulties of the merchant at an end even when he had obtained a favourable sentence, as his goods had been divided immediately after the original decision had been given against him. The informer was sure to be a beggar, who had spent long ago all that had fallen to his share. The judge had probably been removed to some distant station, perhaps in America, and if he were still to be found where the wrong had originally been done, it was no easy matter to put the law in force against a great man presiding in his own court. The King's third was the only one which there was a chance of recovering, but so low was the Treasury that the Royal warrants for satisfying claims of this nature scarcely ever obtained payment in less than two or three years.

To remedy these evils Digby proposed two changes, which the Spanish Government at once promised to adopt. In future, whenever an appeal was made against the decision of the local court, it was to be brought before a special commission, which would be able to hear and determine the matter at once. The second concession was of still greater importance: the goods were no longer to be confiscated by the inferior judges, but bonds were to be given by which the owners engaged to pay their value, in case of the rejection of their appeal. In order to show his willingness to oblige the English, the King directed, a few days after these arrangements had been made, that several Englishmen, who were prisoners in the galleys, should immediately be set at liberty.

Remedies agreed to.

Lastly, Digby had long been urging his Government to appoint consuls. It had often happened that, either through ignorance or wilfulness, English traders had suffered punishment for the breach of Spanish laws. Digby thought it would be well to have some experienced person present at the chief ports, to warn inexperienced Englishmen of their danger, and to send him intelligence which would save him from advocating the causes of men who were themselves

Consuls.

to blame. The Government at home fully agreed with his suggestion, and appointed a person named Lee to act as Consul at Lisbon. They also directed that Cottington should reside in the same capacity at Seville.[1]

Before Salisbury's death a strange overture had reached James from Madrid. Philip III. had become a widower in the preceding autumn, and Digby was allowed to understand that he would gladly take the Princess Elizabeth for his second wife. Queen Anne was delighted to hear that such a prospect was opening before her daughter, and Velasco informed his Government that not only was James ready to give his consent, but that Elizabeth herself would cheerfully renounce the Protestant faith in which she had been nurtured.[2]

Rumours that the King of Spain intends to ask for the Princess.

In consequence of this information, the Spanish Court decided upon despatching a special mission to James. Pedro de Zuñiga, who was chosen for this service, had formerly resided in England as ambassador, and was therefore well qualified, by his knowledge of the court to which he was accredited, to fulfil the delicate service entrusted to him. Ostensibly he was only sent to give explanations concerning the French marriages; but in Spain, nobody doubted that he was empowered to demand the Princess for his master, if, upon his arrival, he should have reason to believe that the offer would be accepted. As soon as he had time to discover what the King's real intentions were, he found that the marriage with the Elector was irrevocably decided upon, and that there was as much probability of the Princess Elizabeth deserting the religion of her childhood as there was of the King of Spain turning Protestant. Accordingly, when James granted him an audience, he contented himself with giving explanations on the subject of the negotiations with which the two courts had been occupied in the past year. As soon as he had finished, the King asked him if he had nothing more to say, and on his replying in the

July, 1612. Zuñiga's mission.

[1] Digby to the Council; Digby to Salisbury, Jan. 19, *S. P. Spain.*

[2] The important part of Digby's despatch of Jan. 4, 1612, is printed by Mrs. Everett Green, *Lives of the Princesses*, v. 178.

negative, dismissed him with evident signs of anger.[1] It can hardly be doubted that he was eager to return in kind the insult which he had received in the preceding year, and that he was vexed at being baulked of an opportunity of venting his indignation. As soon as Zuñiga was gone, James told his councillors what had passed, and assured them that nothing should ever induce him to allow his daughter to marry a Papist.[2]

The reception of the Elector in England.

Though James had made up his mind to carry out the contract into which he had entered with the Elector Palatine in May, there were still many points to be settled, and it was not till September that the negotiations were sufficiently advanced to allow the young Elector to set out to visit his affianced bride. When it was known that the vessel in which he sailed had arrived in safety at Gravesend, the enthusiasm in London was unbounded. As his barge passed up the river to Whitehall, he was welcomed by the thousands who had come out to see him arrive. James received him cordially, and even the Queen forbore to give expression to her dislike. It was not long before he was able to assure himself that he had won the heart of Elizabeth as well as her hand, though, if rumour is to be trusted, she had hitherto shared her mother's dislike of a connection which she had been taught to regard as a marriage of disparagement. The impression which he made upon all who conversed with him was favourable, and even those who, before his arrival,

[1] Zuñiga's despatch, Aug. 2, 1612, *S. P. Sp.* Mrs. Green (v. 179) supposes that James wished to receive a proposal, and was disappointed in not getting one. I do not think this is possible. If he still had any desire for the connection, he would not have allowed the contract to be signed in May. At that time he knew that Zuñiga was coming. Besides, his conduct ever since the German alliance had been suggested to him was that of a man who wished to see it accomplished. Perhaps too much has been made of his anger on this occasion; he had a very bad toothache at the time, which will account for a good deal of it.

[2] He had other reasons for distrusting Zuñiga. A few days before, he had discovered that the ambassador had brought large sums of money with him for the purpose of corrupting the courtiers.—Abbot to the King, July 22, *S. P. Dom.* lxx. 11.

had spoken slightingly of the match, were obliged to confess that, as far as his personal appearance went, he was worthy even of Elizabeth herself.

The marriage favoured by the Prince of Wales.

Of all those who had favoured the Elector's suit no one had been more deeply interested in its success than the Prince of Wales. His attachment to his sister had ripened into the warmest affection during the few years which had passed since she had left Lord Harrington's roof. He had been deeply vexed when he learned that there was a prospect of an offer being made to her by the King of Spain, and had publicly declared that, in his eyes, whoever favoured such a match was a traitor. He believed that the only aim of the Spaniards was to get the succession to the English throne into their hands, and that, as soon as they had possession of the Princess, they would immediately clear the way for her accession by murdering himself and his brother. He was proportionably delighted when he learnt that his father had irrevocably declared in favour of the Elector.

Question of the Prince's marriage. Proposed alliances with Savoy or Tuscany.

Whilst James was engaged in concluding the arrangements for his daughter's marriage, he was also busy in deliberating with his councillors upon the equally important question of providing a wife for the Prince. He knew that the Duke of Savoy was ready, on the slightest hint, to renew the offer which he had made on behalf of his daughter, and that the Grand Duke of Tuscany had willingly accepted the overture made to him by Salisbury. The Grand Duke of Tuscany, however, had consulted the Pope, and had been informed that the union which he proposed would not meet with the approbation of the Church.[1] The Duke of Savoy, who was desirous of freeing himself from the chains of Spanish domination, was more bent upon securing a political ally than upon obtaining the approbation of the Pope. He offered to give his daughter a dowry of seven hundred thousand crowns,[2] and engaged that she would be content if she were allowed the exercise of her religion

[1] Carleton to the King, June 19; the Count of Vische to ——, July 14, 1612, *S. P. Ven.* Le Vassor, *Hist. de Louis XIII.* (1757) i. 159.

[2] Northampton to Rochester, Oct. 7, 1612, *S. P. Dom.* lxxi. 1.

in the most private manner possible. This marriage was warmly supported by Wotton, who had passed through Turin on his return from his embassy at Venice. His fondness for Italian society rendered him blind both to the political objections to the match, and to the domestic unhappiness which was likely to ensue if such a man as Prince Henry were to be condemned to live with a wife who would find it impossible to sympathise with him in any one of his feelings.

At first Wotton contrived to carry the Prince with him. It was not long, however, before the young man's good sense told him that such a marriage would conduce neither to his own welfare nor to that of the country. Yet, in spite of this feeling, he determined to keep quiet, in order not to provoke his father by untimely opposition to a plan which might never be actually presented to him for his acceptance. James, indeed, had not confined his attention to the two Italian Courts. The Duke of Bouillon had been in England in the spring, when he had taken an opportunity of bringing before the King the advisability of entering into a close alliance with France, and had even hinted that it was not impossible that, after all, the Spanish marriages might come to nothing, and that in that case the Regent would gladly bestow the hand of her eldest daughter upon the Prince of Wales. If this should not prove to be the case, there would be no difficulty in obtaining her sister, the Princess Christina. James, upon making inquiry, found that Bouillon had no authority for giving any hopes of the elder Princess, and was for a time disposed to give up all further thoughts of the alliance, as Christina was a mere child, in her seventh year.[1]

A marriage with a French Princess suggested.

A week or two later he changed his mind. The French alliance would be worth having, in the state in which Europe then was. The mere fact of such an overture having come from France showed that the Regent was not disposed to place herself unreservedly in the hands of Spain. In truth, though she was glad enough to obtain the support of the Spaniards against her enemies, foreign and domestic, she had no idea of

[1] The King to Edmondes, June 1612, *S. P. Fr.* Christina was born on February 10, 1606.

joining in a crusade against Protestantism. She wanted to be quiet, and she thought that an alliance with her great neighbours would be likely to preserve her from foreign war, and to overawe her turbulent nobles at home. If she could gain an influence in England as well as in Spain, so much the better; it would be one chance the more for peace. With these guarantees, she would surely be able, when the time came when she would be called upon to deliver over the government to her son, to boast that in her hands France had not been exposed to the miseries of war.

James, too, loved peace, and an alliance which might free the French Court from the subserviency to Spain which had lately characterised its policy was not to be lightly rejected. He therefore ordered Edmondes to discuss the matter in an unofficial manner with the French minister Villeroi, and to ascertain under what conditions the Regent would agree to the match.[1] After all, if the Prince should be willing to consent to defer his marriage for so long a time, the extreme youth of the Princess might not be an objection. If the Regent could be persuaded to part with her daughter at once, she might be educated in England, and would, in all probability, be induced to embrace the religion of her future husband.

Arguments in its favour.

Edmondes accordingly made his proposal to Villeroi, and expressed his hope that if the marriage were agreed to, the Princess would be sent into England before the end of the following year. In consequence of that minister's illness, it was not till September 25 that he was able to forward an answer to James. Villeroi assured him that the Regent was most anxious for the conclusion of the marriage, but that she begged for a little longer time, in order that her daughter might be fully instructed in her religion before she left her home. Edmondes, however, stated that it was his belief that the Queen was so desirous of the marriage that, if she were pressed upon this point, she would certainly give way; and, in fact, on November 7, he was able to write that Villeroi had

[1] Edmondes to the King, July 21, 1612, *S. P. Fr.*

informed him that his mistress was ready to consent to part with her daughter at the time proposed by James.[1]

The question submitted to the Prince.

By the King's command, Edmondes's despatch of September 25 was forwarded by Rochester to the Prince, with a request that he would give his opinion upon a matter which concerned himself so deeply. The Prince did not give any decided answer. The Savoyard Princess, he said, would bring with her a larger dowry than the daughter of the Queen of France. On the other hand, the French marriage would give far greater satisfaction to the Protestants abroad. If the offer of the Regent was to be accepted, it must be understood that the Princess was only to be allowed the exercise of her religion in private, and it must be expressly stipulated that she should be sent over before the end of the following year at the latest, in order that there might be a reasonable prospect of her conversion. If he seemed indifferent, his father must remember that he knew little or nothing of State affairs, and that the time for making love, which was his part in the matter, had not yet arrived.[2]

Raleigh's pamphlet.

The French alliance had the support of no less a man than Raleigh. In a treatise which he wrote at this time[3] he went once more over the arguments against he Savoy match which had been urged by him when he Princess's marriage was being discussed in the preceding year. A marriage with a German lady would, he said, be equally undesirable, as the friendship of Protestant Germany was already secured. On the other hand, it was of the utmost importance that France should be won over as soon as possible to the cause of European liberty. He saw at once that the present friendship between France and Spain could not last for ever, and

[1] Edmondes to the King, Sept. 25 and Nov. 7, 1612, *S. P. Fr.* The first of these despatches is endorsed with a wrong date, which may mislead anyone who is in search of it. The true date will be found at the end of the despatch itself.

[2] Rochester to the Prince, Oct. 2; the Prince to Rochester, Oct. 5, 1612; Birch's *Life of Henry, Prince of Wales*, 308.

[3] *A Discourse touching a Marriage between Prince Henry of England and a daughter of Savoy.* Raleigh's *Works*, viii. 237. The date, 9 Jacobi, is evidently erroneous.

that, if Spain should renew her aggressions, France would of necessity be found sooner or later in opposition to her natural enemy.

The Prince not satisfied.

It is evident that, in spite of these arguments, the Prince was ill at ease. He knew that if he expressed his real sentiments to his father he would only draw down upon himself a torrent of argument. After all, even if the Princess should be sent over at an early age, it was not certain that he would succeed in converting her, and 'he was resolved,' as he afterwards expressed it, 'that two religions should never lie in his bed.'[1] He was secretly meditating a scheme of which, as yet, he did not breathe a syllable to anyone; he would accompany his sister to Germany: when there, he would fling politics to the winds, and choose a wife for himself.

The Prince's illness

This plan of his was destined never to be accomplished. For some weeks he had been far from well. During the summer he had neglected to take the most ordinary precautions for the preservation of his health. In the hottest season within living memory he had allowed himself to take far too violent exercise. Like his father, he was fond of fruit, and had partaken of it in unusually large quantities. He had even indulged in the imprudent practice of swimming immediately after supper.

Though he had complained of feeling unwell during the whole of the autumn, it was not till October 10 that he was actually attacked by an illness which is now known to have been typhoid fever.[2] A violent cold was attended with other symptoms of disease. Two days afterwards he recovered to some extent, and insisted, in opposition to the advice of his physicians, upon going out. For some days he kept up, but he looked pale and haggard. On the 24th he foolishly played

[1] Wake to Carleton. Undated, 1612 (*S. P. Ven.*). Wake derived his information from Newton, to whom the Prince spoke of his designs upon his deathbed.

[2] *The Illness and Death of Henry, Prince of Wales—a historical case of typhoid fever.* By Norman Moore, M.D. This pamphlet, reprinted from the 'St. Bartholomew Hospital Reports,' vol. xvii., lays at rest for ever whatever may still be left of the old theory, that the Prince was poisoned.

at tennis, in which he exposed himself in his shirt to the chilly air of the season. The next day the fever was upon him, and he was forced to take to his bed.

On November 1 he was somewhat better, and the King, the Queen, and his brother and sister, as well as the Elector, were admitted one by one to his bedside to see him. They left him in the belief that he might yet recover. The amendment was not for any length of time; he grew worse and worse, and the physicians lost all hope. On the 6th he was evidently dying.

and death. The Queen, who had often derived benefit from Raleigh's prescriptions, sent, as a last resource, to the prisoner in the Tower for help. He immediately prepared a medicine, which was given to the dying Prince. It was all in vain; before the day was over, the sufferer was no more.

Of all who knew him, the one who felt his loss most deeply was his sister Elizabeth. Since her visit to his sick room on the 1st, she had made repeated efforts to see him, and had even attempted to penetrate to his apartments in disguise. She was, however, not allowed to pass, as, by that time, it was considered that his disease was infectious. Nor had he forgotten her: the last words he uttered in a state of consciousness were, "Where is my dear sister?"[1]

Throughout the whole of England the sad news was received with tears and lamentations. Never in the long history of

Universal grief. England had an heir to the throne given rise to such hopes, or had, at such an early age, inspired every class of his countrymen with love and admiration. They were not content with sorrowing over his memory, they vented their affection in the foolish outcry that their beloved Prince had been murdered. Sometimes it was Rochester, sometimes it was Northampton, who was supposed to have administered the poison which carried him off. Nor was there any lack of suspicions more horrible still: grave men actually whispered to one another that James himself had a hand in the imaginary murder of his son.

If the Prince had lived, he certainly would not have thrown

[1] Corwallis, *Life of Prince Henry*, Somers' *Tracts*, ii. 231; Chamberlain to Carleton, Nov. 12, 1612; *Court and Times*, i. 202.

the reins of government into the hands of the leaders of the House of Commons. He would not have anticipated the result of the inevitable struggle by abandoning what he would have considered to be his rights; he would have had his own views on every question as it arose, and he would have striven by every means in his power to carry them out. Northampton was right, as far as he and such as he were concerned, when he said that 'the Prince, if ever he came to reign, would prove a tyrant.' He would have made short work with the men and measures which Northampton regarded with approval.

Character of the Prince.

Whether the young Henry would have fulfilled the promise of his youth it is impossible to say. It is enough for us that a keen observer has placed it on record that he was slow of speech, pertinent in his questions, patient in listening, and strong in understanding.[1]

Northampton must have felt his position strengthened by the removal of a formidable antagonist. Yet he was not long in discovering that he and those who agreed with him were intensely unpopular. A little more than a week after the Prince's death, one of his chaplains, named Bayley, preached a sermon, in which he told his congregation that Religion was lying bleeding, and that there were members of the Council who attended mass, and told their master's secrets to their wives, by whom they were betrayed to the Jesuits.[2] Bayley was reprimanded by the Archbishop, but he only repeated his accusation, in a more distinct form, on the following Sunday. Similar insinuations were made by other preachers, who took care not to bring any direct accusation which could be laid hold of by the Government. A few days later, Northampton heard that it was a matter of common conversation that, after he had published the speech which he had delivered at Garnet's trial, he had written secretly to Bellarmine, beseeching him to take no notice of what he had said, as he had only spoken in opposition to the Papal claims, for the sake of pleasing the

Bayley's sermons.

Star Chamber fines imposed on six persons for slandering Northampton.

[1] *In Henricum Principem Walliæ elogium*, Bacon's *Lit. and Prof. Works* i. 323.

[2] This, I suppose, referred to Suffolk.

King and the people. The story obtained credit the more easily as, in all the controversial works which had appeared upon the Catholic side, not a word had been said of Northampton's speech. Whether it were true or not, Northampton took the course which in those days was the usual resource of persons in authority who thought themselves maligned. He summoned before the Star Chamber six unlucky persons, who had been detected in spreading the report, and sent them away smarting under heavy fines. As might be expected, such a proceeding, though it rendered the newsmongers of the day more cautious in what they said, had no effect in changing their opinions.[1]

Betrothal of the Princess.

But if Northampton was allowed to inflict punishment upon his personal opponents, he was not allowed to guide the policy of the Government. Hopes had been entertained, by those who were interested in breaking off the marriage of the Princess, that James would be less willing to carry out his design now that, by the death of her brother, she was a step nearer to the throne. He was determined to show that he had set his heart upon the match by directing the signature of the final marriage articles upon November 17, and by ordering that the ceremony of betrothal should take place on the 27th, the marriage itself being necessarily postponed on account of the Prince's death.

The solemnity of the betrothal was almost marred by Sir Thomas Lake, who was directed to act as Secretary for the occasion. In that capacity he was called upon to read the contract in French, in order that the young couple might repeat the words after him. His translation, however, was so bad, and his pronunciation so detestable, that those who were present could not refrain from laughing, till the Archbishop, whose whole heart was in the scene before him, broke in with the solemn words, "The God of Abraham, of Isaac, and of

[1] Chamberlain to Carleton, Nov. 19, Dec. 17, 1612, *Court and Times*, i. 206, 213; *State Trials*, ii. 862. The story of Abbot's producing the letter can only refer to this trial, and is quite irreconcilable with the facts given us upon contemporary authority. If another trial had occurred later, we should surely have heard of it.

Jacob, bless these nuptials, and make them prosperous to these kingdoms and to His Church." [1]

Although Lake was allowed to act as Secretary on this occasion, it was generally understood that, in spite of his Parliamentary antecedents, Neville was now the candidate most likely to obtain the post, if the King should determine to fill it up. In the beginning of January the Council petitioned him to name a Secretary.[2] With his usual impulsiveness, James had at first thrown himself into the business of the office, and had read and answered despatches with commendable regularity. But he had soon grown tired of the labour, and complaints were heard that business was often at a standstill for want of his application to the duties which he had voluntarily undertaken. James promised to consider the advice of his Council; but he was too desirous of keeping power in his own hands to take any steps in the matter.

1613. Question of the Secretaryship.

But whatever might be the King's decision on this point, he threw no obstacles in the way of the solemnisation of the marriage to which all good Protestants were hopefully looking forward. The ceremony was performed with all possible pomp and splendour on February 14, 1613. Even the Queen herself condescended to be present, though she had long looked with displeasure on the alliance, and had hitherto refrained from showing any sign of favour to the Elector. His frank and hearty manners seem to have won her over, and to all appearance she was now perfectly contented

Feb. 14. Marriage of the Princess.

[1] Chamberlain to Carleton, Dec. 31, 1612, *Court and Times*, i. 215; *Rymer*, xvi. 725.

[2] Chamberlain to Carleton, Jan. 7. 1613, *Court and Times*, i. 218. Wotton was out of favour at this time, as James had just heard of his celebrated inscription in the Album at Augsburg, "Legatus est vir bonus peregrè missus ad mentiendum Reipublicæ causâ." The difficulty of the ordinary explanation has often been felt. It is impossible that he should have meant to make a joke which is unintelligible excepting in English, a language which was not understood at Augsburg. Is it not possible that the interpretation, "An ambassador is a good man sent to lie abroad for the sake of his country," was a happy thought, which first occurred to him as a good excuse to make, when he was taxed by James with what he had done?

with her daughter's lot. None of those who were present at that gay scene had the slightest foreboding of what that lot would be. If it was to be sad and stormy, at least it was to be without shame.

It was not long before the shadows of Elizabeth's future life began to fall upon her. The expenses connected with her marriage amounted to more than 60,000*l.*[1] Such a burden would have been severely felt at any time ; but in the disordered condition in which the finances were, it was almost insupportable. James was accordingly obliged, as a mere matter of necessity, in less than a month after the wedding, to dismiss the greater number of the attendants who had been appointed to wait upon the Elector during his stay in England. The Princess felt the slight put upon her husband deeply.[2] It was not the last time that James would be forced to turn his back upon her for want of means to help her.

The Princess and her husband leave England.

On April 10 the Elector and his bride left Whitehall. They travelled slowly, as if Elizabeth were loth to take leave of the land in which she had spent so many happy days. When they reached Margate they were detained by the state of the weather, and it was not till the 25th that they set sail for Holland.[3] Both she and her husband were young to face the storms which were before them, neither of them having yet completed their seventeenth year.

The States join the Union.

Before the Elector left her, in order to make preparations for her reception in the Palatinate, he was called upon to take part in a ceremony which was of no slight importance to himself. On May 6 the States, at the request of the King of England,[4] signed a treaty with the Princes of the Union, by which the two parties engaged themselves for

[1] This includes all the expenses of the Elector's household during his stay in England, as well as the expenses of the journey to Heidelberg. The Princess's portion was 40,000*l.* in addition.

[2] Chamberlain to Carleton, March 11, 1613, *Court and Times*, i. 232.

[3] Chamberlain to Carleton, April 29, *S. P. Dom.* lxxii. 120 ; Green's *Princesses*, v. 221.

[4] The King to Winwood, April 1, 1613, *S. P. Hol.*

fifteen years to give mutual succour to one another in case of need.

The French refuse to do so.

Attempts had been made in vain to induce the French to join the alliance. There was, however, one point upon which France still made common cause with England: when at the commencement of 1612 the Imperial throne became vacant by the death of Rudolph II., both countries had strenuously resisted an attempt on the part of Spain to obtain the election of the Archduke Albert,[1] and had done everything in their power to promote the success of Matthias. Spain was now renewing the attempt to favour the brother-in-law of Philip III., and the French Government again declared that it would use every means to hinder the election of Albert to the dignity of King of the Romans.[2]

James was now in close alliance with Holland and with Protestant Germany, and upon friendly terms with France.

James at the head of the Protestant Alliance.

The position which England had thus taken up promised to place him at the head of the league which was forming against the House of Austria and the German Catholics. Already his voice had been heard even in the far North, where his ambassadors had been successful in mediating a peace between two Protestant States, and in putting an end to a war in which the genius of the young Gustavus had maintained an unequal struggle against the superior forces of the King of Denmark.

The attitude taken by Spain was now thoroughly hostile. James's treatment of Zuñiga in July 1612 caused great annoyance at Madrid, and the relations between Digby and the Spanish Government grew perceptibly cooler. Nothing was done about the promised appointment of a tribunal of appeal for the causes of the English merchants, and for some time a steady resistance was opposed to the ambassador's demand for the establishment of the new consuls. At last, in January 1613, he was told that, though Lee, who was a Protestant, would be admitted at Lisbon, only a Catholic would be allowed to act at Seville.[3]

1612. Coolness of the Spanish Government.

[1] Beaulieu to Trumbull, June 29, 1612, *Winw.* xiii. 375.

[2] Edmondes to the King, April 24, 1613, *S. P. Fr.*

[3] Cottington to Lake, Jan. 5; Digby to Lake, Jan. 18, *S. P. Spain.*

For some time it was even thought possible that Spain might venture upon a declaration of war. The Virginian Colony had long been a thorn in the sides of the Spanish Government, and long and anxious deliberations were held at Madrid upon the expediency of sending an expedition against it.[1] The ill feeling in Spain was increased by the return of several vessels which had gone out to take part in the Spitzbergen whale fishery, from which they had been driven by the crews of the ships belonging to the English Muscovy Company, which claimed the exclusive right to that lucrative employment.[2] Nor was the treatment which the recusants were now receiving at the hands of James likely to conciliate the good-will of a Catholic nation. The oath of allegiance had become a mere contrivance for filling the pockets of the courtiers. In 1611 a proclamation had been issued commanding that the oath should be administered according to law.[3] At first, two or three wealthy persons, who refused to take it, had been thrown into prison, and had only been released upon payment of large sums. It was, however, soon discovered that it was not necessary to go through these forms ; it was enough to intimate to the persons who were supposed to be unwilling to take the oath, that unless they were ready to pay for their immunity, proceedings would be taken against them.[4] This course was never known to fail. The money, almost invariably, went directly, without even passing through the Exchequer, into the hands of some hanger-on of the Court, who had managed to secure a share of the booty. The treatment which the ordinary recusants received was equally harsh. The number of the persons whose lands were seized was considerably

The Spanish Government dissatisfied with England.

[1] Digby to the King, Sept. 13, 1612, *S. P. Sp.* In his despatches of the next six months, he frequently mentions the feelings of the Spaniards with respect to Virginia.

[2] Digby to Lake, Sept. 4, 1613, *S. P. Sp.*

[3] Proclamation Collection, No. 18, *S. P.*

[4] Cæsar to the King, Aug. 14, 1612, Lansd. *MSS.* 153, fol. 46 a. There are in the same volumes several letters from recusants, offering compositions for taking the oath, fol. 78–87. In the *S. P. Dom.* lxx. 9, is a list of seventy persons to be called upon to take the oath, dated July 18, 1612.

greater than it had been in the earlier years of James's reign. The new fine which had been imposed by Parliament upon persons whose wives refused the oath, pressed hardly upon Catholic ladies. Many of them were obliged to leave their husbands' houses in order to remain in concealment.[1]

Fear of invasion in England.

In the first days of 1613 the English Government was in expectation of a Spanish invasion. An order was therefore issued for an immediate search of the houses of the recusants for arms, and directions were given that none should be left in their hands beyond those which were sufficient for the defence of themselves and their families.[2] It was not long, however, before all apprehension was at an end. If the disorderly state of the English finances had, for a moment, led the Spaniards to imagine that an appeal to arms would terminate in their favour, they must speedily have remembered their own poverty, and a little reflection must have taught them that there was no surer means to fill the Exchequer of the King of England than an unprovoked aggression by a foreign enemy. They persuaded themselves that the colony in Virginia would certainly die out of itself, and they resolved to take no active measures to hasten what they considered to be its inevitable fate.[3] The defence of the English recusants must be postponed to a more convenient season. In the meanwhile they determined to replace their ambassador in England by one of the ablest diplomatists in their service, Don Diego Sarmiento de Acuña, better known to us by his later title as the Count of Gondomar. He was instructed to watch events, but to take no active steps in favour of the persecuted Catholics.[4]

Arrival of Sarmiento in England.

[1] Lewknor to —— (Tierney's *Dodd*, iv. 145). Many particulars in this letter are demonstrably gross exaggerations, but the facts of the persecution are probably in the main true. See also the account given by Lady Blount, March 1613, in the same volume.—App. 188.

[2] Council to Sheriffs, &c., Jan. 10, 1613 (Tierney's *Dodd*, iv.; App. 188). The date given here is the true date.

[3] Digby to the King, Sept. 3, 1613, *S. P. Sp.*

[4] Instructions of Sarmiento, sent with Digby's despatch of May 27, 1613, *S. P. Sp.*

CHAPTER XVI.

THE ESSEX DIVORCE.

WHEN James first came to England, he was anxious to put an end to those personal disputes between the leading men by which the later years of his predecessor had been troubled. He hoped to accomplish this by bringing about marriages between the great families. The Earl of Suffolk had two daughters who would, as he thought, serve his purpose. The elder was destined for Lord Cranborne, the only son of the Earl of Salisbury; the younger was to become the wife of the young Earl of Essex, who would, as it was hoped, forget his father's fate in this new alliance with the Howards and the Cecils.[1] It was no obstacle to the King's benevolent intentions that the bride and bridegroom by whose union such great things were to be accomplished were mere children. On January 5, 1606, they were called upon to pronounce those solemn vows of which they little knew the import. Essex was only fourteen, and Lady Frances Howard was a year younger than the husband who had been chosen for her; but by a doctrine which the ecclesiastical law of England had accepted without examination from the jurisconsults of more southern climes, they were held to be of full age for the purpose of taking upon themselves the engagements of married life. Great were the festivities by

1606. Marriage of the Earl of Essex and Lady Frances Howard.

[1] It is also said that the match was proposed by Salisbury. The idea, probably, occurred to both of them. It is no argument against James's participation in the affair that he afterwards inveighed against early marriages.

which the auspicious event was celebrated. Ben Jonson did his best to produce a masque worthy of the occasion, and Inigo Jones gave his talents to construct the machinery and the decorations which were to amuse the frivolous crowd. The hollowness of the ceremony which had been witnessed by the admiring spectators must have betrayed itself by the necessity of separating the boy bridegroom from his wife. Two years after his marriage the Earl was sent to travel on the Continent, and it was not till some time after he had attained the age of eighteen that he returned, apparently shortly after Christmas, 1609, to claim his bride.[1]

Conduct of Lady Essex to her husband.

If upon his return he looked for a faithful and loving wife, he was doomed to a bitter disappointment. He soon discovered that she regarded him with the deepest repugnance. Under the most favourable circumstances this ill-assorted pair could never have lived together with any degree of comfort. The sterling qualities which Essex possessed, and which had already gained for him the respect of Prince Henry, were shrouded from the eye of the thoughtless observer by the heaviness and imperturbability of his outward demeanour. Of all women then living, the young girl of seventeen who bore the name of Countess of Essex was the least capable of appreciating his virtues. Headstrong and impetuous by nature, she had received but an evil training at the hands of her coarse-minded and avaricious mother. The Court in which she had been bound to her child-husband was no place for the cultivation of the feminine virtues of modesty and self-restraint.[2]

[1] The date is proved by the statement in the libel (*State Trials*, ii. 785) that Essex had lived with his wife for three years before the divorce case began, and after he had arrived at the age of eighteen. The date of his baptism was Jan. 22, 1591 (Devereux, *Lives of the Devereux*, i. 211), consequently he must have been eighteen in January, 1609. Lady Essex's reference to 'the winter' in her letter to Mrs. Turner, *State Trials*, ii. 93, probably refers to the winter of 1609–10.

[2] It is difficult to pronounce with certainty upon the extent to which the Court immorality went. It is evident, from the circumstances which are known to us, that it was bad enough; but I believe that Mr. Hallam's comparison of the Court of James with that of Charles II. is considerably

She had already attracted the notice of the rising favourite, at that time still Sir Robert Carr, and if that unhallowed marriage had not stood in the way, she might have become his wife innocently enough, and have left no records of her butterfly existence with which history would have cared to meddle.

She was startled from her dream of enjoyment by the sombre figure of the man who claimed her as his wife. At first she refused to live with him; but she was at last forced by her parents to treat him as her husband, and finally to accompany him to his country seat at Chartley. The whole truth of her miserable life for the next three years can never be known; but enough has been told to repel even the most callous investigator of history. It is enough to say that the wretched woman set her heart upon remaining a wife only in name, and upon preserving herself for the man to whom she had given her affections. She called in the aid of Mrs. Turner, a widow of abandoned character, in whom she had found a confidant. With the aid of Doctor Forman, one of those quack doctors, half-physician and half-sorcerer, who were the pests of that age, these two women proceeded to administer drugs to the unconscious husband. Partly by such means as these, and partly by the forbidding demeanour which the Countess assumed towards him, she succeeded in repelling his advances.[1]

At the beginning of the year 1613, three years had passed away since the return of the Earl from the Continent. With the completion of this period a new hope awoke in the breast of Lady Essex. It was now possible to obtain a declaration of the nullity of the marriage, if she could persuade a court to believe her declaration that her husband was incapacitated by a physical defect from entering into marriage; and she may have thought that, in his eagerness to escape from a connection which had brought him so much

1613. She thinks of procuring a divorce.

exaggerated. Would it be possible for a series of letters, such as that of Chamberlain, containing so little of a scandalous character, to have been written after the Restoration?

[1] The Earl's account of the matter is probably that which is at the basis of the paragraphs in Wilson's *History* relating to the divorce.

misery, he would allow her statements to pass without any strict examination. She succeeded in gaining the support[1] of her father and of his uncle, Northampton, to whom she probably told only as much of the story as suited her convenience. Nor were they insensible to the advantages which would accrue to them from a close alliance with Rochester. They had no doubt that a marriage with him would follow immediately upon the divorce. To the Howards, at that moment, such an alliance would be most welcome. For some months they had encountered the opposition of Rochester, and they had found, by experience, that Rochester's opposition was fatal to their endeavours to influence the policy or to share in the patronage of the Government.

The Howards found little difficulty in gaining over the King. He would naturally be pleased with any prospect of bringing about a reconciliation between the two factions which were so troublesome to him. It is not likely that he was acquainted with the darker side of the story, and it is probable that he was blind to much which a man of clearer moral perception would have detected at once. Nor should it be forgotten that he may well have been desirous of repairing the ruin of which he could not but feel that he had himself been, in no small degree, the author.

Meeting of the friends of the parties

In May a meeting was held at Whitehall, to consider upon the course which was to be pursued. The Earls of Northampton and Suffolk appeared for the lady, whilst her husband was represented by the Earl of Southampton and Lord Knollys.[2] It was found that Essex was determined to admit of no assertion which would throw any

[1] In February a curious episode occurred. One Mary Woods accused the Countess of bribing her to procure poison for the Earl. This made the Howards for a little time hesitate about proceeding with the divorce (Chamberlain to Winwood, May 6, 1613, *Winw.* iii. 452). There are several examinations in the *S. P.* taken on the subject, but nothing can be made of them, as it is difficult to say whether it is more probable that Mary Woods invented the whole story, or that Lady Essex in reality tried to poison her husband.

[2] Lord Knollys was married to a third daughter of the Earl of Suffolk.

obstacle in the way of his own remarriage; and both Suffolk and Northampton knew that they could not prove their case without his consent. They were consequently compelled to allow that, though the Earl was incapable of being the husband of his present wife, there was nothing to prevent him marrying another. Accordingly, the way having been thus smoothed, a commission was issued on the 16th for the trial of the case, to Archbishop Abbot, Bishops King, Andrewes, and Neile, Sir Thomas Parry, and Sir Julius Cæsar, together with the civilians, Sir Daniel Dun, Sir John Bennet, and Doctors James and Edwards.

Appointment of a commission to try the case.

As the case [1] proceeded, the Howards found that they were likely to meet with an unexpected obstacle in the unyielding conscientiousness of the Archbishop. Supported as they were by the King, they had met with willing instruments in some of the Commissioners, especially in Bishop Neile and Sir Daniel Dun. But the more Abbot heard of the evidence the less he was satisfied with the part which he was expected to play. With incredible effrontery, Lady Essex allowed her counsel to argue that her husband was bewitched, though we may be sure that she took care that Dr. Forman's name was not mentioned in court. Abbot had grave doubts concerning the probability of such effects being produced by witchcraft, and these doubts were shared by the more respectable members of the commission, and, as it appeared, even by the lawyers who pleaded on behalf of the lady. He was still more struck with the manner in which the proceedings were hurried over, and with the apparent shrinking on the part of Lady Essex's counsel from entering into the particulars of the case. Nor did it escape him that, even if the alleged facts were true, such a precedent would open a wide field for future evil, and that the proceedings of the Commissioners would be quoted by every couple who happened to be without children, and who were anxious to obtain a divorce by means of collusive proceedings.

Abbot's reasons for dissatisfaction with the Countess's case.

[1] *State Trials*, ii. 785.

After some time had been spent in hearing the evidence which was produced, and in listening to the arguments of the lawyers on either side, it was found that the Commissioners were equally divided in opinion.[1] Abbot, who knew that the King was bent upon obtaining a declaration in favour of a divorce, took an opportunity of an interview with him to beg to be released from his ungrateful task. James seemed much affected by the arguments which he used, and showed no signs of being displeased with him for the course which he had taken. But after the Archbishop had left him, and he was once more in the hands of Rochester and the Howards, he was again induced to take up their cause more warmly. The equal division of the members of the Commission gave him an excuse for adding to their number, and he allowed himself to take the unjustifiable step of appointing Bishops Bilson and Buckeridge, who could only be regarded in the light of partisans, to sit amongst the judges.

The number of the Commissioners increased.

Abbot determined to write a letter to the King. It was a great opportunity, and if he had been content to set down the arguments which he was prepared to maintain when his opinion was asked amongst the other Commissioners,[2] he would at least have left on record an unanswerable defence of the course which he had taken, even if he had failed in producing any lasting effect upon the mind of James. But, unfortunately, the Archbishop had an unlucky knack of committing blunders when it would seem that he could hardly have avoided taking the right step. Incredible as it appears, he contrived, in the letter which he wrote, to omit the slightest mention of any one of the points upon which the strength of his case rested, and to substitute for them a number of most questionable propositions. To the deficiency of evidence, and to the danger of the precedent, he did not even

Abbot's letter to the King.

[1] Chamberlain to Carleton, Aug. 1, 1613 (*Court and Times*, i. 260). In this letter four Commissioners only are mentioned as pronouncing against the nullity. Doctor James, however, though probably absent at that stage of the proceedings, would have joined them if they had actually come to a vote.

[2] In the speech prepared, but never delivered. *State Trials*, ii. 845.

make a passing allusion. But he argued at some length that there was no express statement in Scripture bearing upon this case, and that although it was perfectly possible that the effects attributed to witchcraft might have been produced by that means in the times of darkness and of Popish superstition, yet that it was impossible that the devil should be possessed of such power where the light of the Gospel was shining. He had not heard that either Lord or Lady Essex had taken measures against the supposed witchcraft, either by applying themselves to prayer and fasting, or by using medical remedies. He concluded by appending to his letter a string of totally irrelevant quotations from the works of celebrated Protestant divines.[1]

It can hardly be a matter for astonishment that James refused to admit such reasoning as this. In the answer which he wrote,[2] he had evidently the better of the Archbishop, at least so far as the grounds were concerned upon which Abbot had based his reasoning. But he was not content with demonstrating that the arguments used in the letter were untenable. Proud of his own logic, he called upon Abbot to withdraw such insufficient reasonings, and to rest his faith for the future upon the unerring judgment of a Sovereign who was, as he told him, not without some skill in divinity, and who was undoubtedly impartial in the present case.

Answer of James.

Abbot did not take the advice thus tendered to him. When the day came for pronouncing the decision of the Commissioners, the votes of the new members made it no longer doubtful which way that decision would be given. On September 25 there were seven votes given in favour of the divorce, against which the Archbishop, with four others, protested in vain.[3] In order to prevent the arguments of the protestors from being heard, an express order was brought from the King that the Com-

The Commissioners pronounce for the divorce.

[1] *State Trials*, ii. 794. [2] *Ibid.* ii. 798, 860.

[3] Bishops Bilson, Andrewes, Neile, and Buckeridge, with Sir Julius Cæsar, Sir Thomas Parry, and Sir Daniel Dun, were in the majority. The minority was composed of the Archbishop Abbot, and Bishop King, with Doctors Edwards, James, and Bennet.

missioners should content themselves with giving their decision without adding the reasons by which they were influenced.[1]

Conduct of James,

Of the conduct of James it is difficult to speak with patience. However impartial he may have believed himself to be, he in reality acted as a mere partisan throughout the whole affair, and it was never doubted that his influence contributed materially to the result. Nothing could well have been more prejudicial to the interests of justice than his meddling interference at every step, which did even more harm than the appointment of the additional members. Yet it may reasonably be doubted whether he was conscious of doing anything which bore even the semblance of an error. He was thrown almost entirely amongst men whose interests led them to influence him in one direction, and he probably looked with complacency upon an act which, at all events, freed two wretched persons from a life of misery. That it was improper for a Sovereign to meddle with the proceedings of a court once constituted, was an idea which certainly never entered into his head.

and of Andrewes.

There was one man who took part in these proceedings whose character for truthfulness and honesty of purpose is of far greater importance than that of James. Before the commencement of the sittings of the Commission, Andrewes had pronounced an opinion unfavourable to the divorce; and yet, soon after he had taken his seat, he changed his view of the case, and steadily adhered to the opinion of the majority. Suspicions could not fail to arise that he had given way before the influence of the Court, and these suspicions derived some importance from the fact that he made no use of his intimate knowledge of the canon law, but, with rare exceptions, remained silent during the whole course of the proceedings. All that can be said is, that against such a man it is impossible to receive anything short of direct evidence, and that it is better to suppose that he was, by some process of reasoning with which we are unacquainted, satisfied with the evidence adduced, though he must have felt that there was that in the conduct of

[1] Chamberlain to Carleton, Oct. 14, 1613. *Court and Times*, i. 275.

Lady Essex which prevented him from regarding the result of the trial with any degree of satisfaction.[1]

For four months the trial had formed the general topic of conversation wherever men met together in public or in private. The effrontery of the Countess, the shameless meddling of the King and of his courtiers, the truckling subserviency of Neile and his supporters, were discussed with a remarkable unanimity of abhorrence in every corner of the land. The sober stood aghast at James's disregard for the decencies of life, whilst the light-hearted laughed at the easy credulity with which he took for granted all the tales of a profligate woman. It may be doubted whether his rupture with the House of Commons contributed so much to widen the breach between himself and his subjects as his conduct on this occasion.

Unanimous condemnation of the sentence throughout the country.

The bitterest shafts of ridicule, however, were reserved for Bilson. Better things were expected of his known talents and learning; and those who thought it only natural that men like Neile should wallow in the mire for the sake of Court favour, were ill-pleased to see the Bishop of Winchester following his unworthy example. Bilson himself was not ill-satisfied with what he had done, and was gratified by the honour of knighthood which was conferred by the King upon his son. He was not long in discovering the unpopularity which he had incurred. His son was immediately nicknamed, by some wag, Sir Nullity Bilson, and the appellation stuck to the unfortunate man for the remainder of his life. His own son-in-law refused to live in his house, because he could not endure the jeers of his companions, who used to remind him that he only held his wife on the Bishop's sufferance, who would be able at any time to declare that his marriage was a nullity.[2]

General expression of dislike at the conduct of Bilson.

Abbot's conduct thoughout the whole affair, on the other hand, made him for the time the most popular man in England.

[1] In the Harl. *MSS.* 39, fol. 416, is a paper drawn up by Dr. Dun, which will give all that was to be said by those who were in favour of the divorce.

[2] *State Trials*, ii. 833.

The country was delighted to find that in that corrupt Court there was at least one who could hold his ground in opposition to the King's wishes, when a matter of conscience was at stake.

Popularity of Abbot.

When the long-expected sentence was pronounced, Lady Frances Howard, now no longer Countess of Essex, was once more free from the bonds under which she had writhed so long. The prize for which she had played the desperate game, and for the sake of which she had thrown away all feminine modesty, was within her reach at last; the man for whose sake she had braved the scorn of the world, and had submitted to make her name the subject of unseemly jests, was now ready to take her as his wife. But even those whose sense of her degradation was the deepest had failed to measure the full extent of her guilt. They did not know that, whilst she was receiving the congratulations of all who believed that her smile would light them on the road to wealth and honour, she was carrying about with her the consciousness that in an instant the edifice of her fortunes might tumble into the dust, and that she was liable at any moment to be dragged off from the bright scenes which she loved too well, to take her place in the felon's dock as a murderess.

Lady Frances Howard.

The story of the tragedy, in which the proud beauty enacted so fearful a part, will in all probability never be known in all its details with anything approaching to certainty. The evidence upon which it rests has only reached us in a mutilated state, and even that which is in our hands is in such an unsatisfactory condition that it is impossible to come to any definite conclusion on the greater part of the questions which may be raised. But amidst all these uncertainties one fact stands out too clearly to be explained away. The guilt of Lady Essex is proved by evidence of which no reasonable doubt can, by any possibility, be entertained.

Amongst those who had attached themselves to the rising fortunes of the favourite was Sir Thomas Overbury, a young man of considerable talents, and, as his published writings prove, not without some nobleness of character. He was not long in obtaining an ascen-

Overbury's connection with Rochester.

dency over the inferior mind of Rochester, who had submitted to be instructed by him in the wiles by which he hoped to make good his footing at Court.[1] It is difficult to say how far Overbury was actuated by any feeling higher than a desire for personal aggrandisement. It was probably through his means that Rochester adopted Neville as his candidate for the Secretaryship, and entered on a rivalry with the Howards. The position in which Overbury was placed was not one to develope whatever virtues he may have originally possessed. Even if he had not been naturally of a self-satisfied and overbearing disposition, he could hardly have continued for any length of time to supply Rochester's deficiencies without contracting a habit of treating him with an arrogance which would, sooner or later, become intolerable. The inevitable breach was only hastened by the efforts which he made to deter his patron from the ill-advised course which he was pursuing with regard to Lady Essex. As it is certain[2] that in earlier times he had assisted Rochester to compose the letters with which he courted that lady, it is difficult to explain the abhorrence with which he regarded the proposed marriage. It is possible that whilst he was ready to wink at an adulterous connection with another man's wife, he was startled by a proposal which would result in making a marriage possible, and which would bring with it a reconciliation between his patron and the Howards. If it had been through his influence that Rochester had placed himself in decided opposition to the powerful Earls of Suffolk and Northampton, he may well have dreaded lest he should be the first to fall a sacrifice as soon as a reconciliation with them was effected. But however this may have been, it is certain that he employed all his energies in deterring Rochester from the step which he was about to take, and that he let no opportunity slip of blackening the character of the lady upon whom his patron had set his affections.

His opposition to Rochester's proceedings with regard to Lady Essex.

[1] The nature of the relations which existed between the two men comes out strongly in their letters. *Harl. MSS.* 7002, fol. 281.

[2] This could not be believed on anything short of his own evidence. Overbury to Rochester, *Winw.* iii. 478.

As the time drew on for instituting proceedings for the purpose of procuring the divorce, Overbury's language became more than ever annoying to Rochester. Even if he knew no more than what was soon to be laid before the Commissioners, his behaviour was likely to lead to a rupture. It is, however, difficult to avoid the conclusion that he had heard something which would enable him to put a stop to the divorce if he pleased. Rochester was not the man to keep a secret, and if he had only told Overbury, in a moment of confidential intercourse, one half of the stories which he must himself have heard from Lady Essex, of the way in which she had treated her husband, he must have known that he had entrusted him with a secret which, if he should determine to reveal it, would make it impossible for the most subservient judges to pronounce in favour of the divorce.[1]

The King jealous of Overbury's influence with Rochester.

If this conjecture be correct, it becomes at once intelligible why all who looked hopefully for a sentence of divorce should be anxious to get Overbury out of the way, at least till the proceedings were at an end. It was not long before a golden opportunity presented itself of accomplishing their purpose. Some one or other told James that it was commonly reported that, whilst Rochester ruled the King, Overbury ruled Rochester. Upon hearing this James determined to prove his independence. He accordingly directed Abbot to suggest to Overbury, as from himself, the propriety of his accepting a diplomatic appointment upon the Continent. Overbury had no wish to leave England, where he knew that the road to advancement lay. He therefore requested Rochester to do what he could to save him from this banishment. From the uncertain evidence which we possess, it is difficult to make out precisely what Rochester's conduct was.[2] It is possible that at first he had been ready to assent to the expatriation of

He proposes to him a diplomatic appointment.

[1] This seems a much more probable explanation than that Overbury was acquainted with some secret which would ruin Rochester, such as his supposed complicity in the imaginary murder of Prince Henry.

[2] The want of evidence is here felt the more, as the two reports of the trial of the Earl of Somerset differ in a material point. In one Somerset

Overbury, but that when he discovered how unwilling he was to leave the country, he changed his plan, and encouraged him in resisting the King's wishes, foreseeing that he would be committed to prison in consequence. An imprisonment of a few months would keep his mouth shut till the proceedings were over, and it is not unlikely that Rochester may have looked with favour upon a course which would enable him to retain the services of Overbury, whilst he would secure his attachment more completely by appearing in the light of his liberator.

Overbury refuses to accept it, and is committed to the Tower

Whatever Rochester's part in the matter may have been, the King was indignant with Overbury. He sent Ellesmere and Pembroke to him, with a formal offer of the appointment. As soon as Overbury perceived that excuses were of no avail, he boldly refused to comply, and added that neither in law nor in justice could he be compelled to leave his country. James was, of course, enraged with what he considered to be an insolent reply, and called upon the Council to vindicate his honour. They immediately summoned Overbury before them, and committed him to the Tower for contempt of the King's commands.[1]

In giving his assent to Overbury's imprisonment, Rochester was, no doubt, acting in concert with Northampton. As far as we can arrive at any probable conclusion as to their intentions, there is no reason to suppose that they meant any thing more than to get him out of the way for a time.[2] Orders

(which was the title which was afterwards conferred upon Rochester) is represented as saying that Overbury asked him to take upon himself the refusal of the embassy; in the other, as acknowledging that he hindered Overbury on purpose to procure his imprisonment (Amos, *Great Oyer of Poisoning*, 105, 151). Overbury's own letters, as well as the evidence given at the trial, corroborate the latter statement; but Sir D. Digges gave evidence that Overbury once told him that he meant to undertake the employment, but that he afterwards sent him a message that he had changed his mind (*Amos*, 88). I have attempted to give an explanation which finds room for both statements, but of course it is nothing more than a mere conjecture. Compare Wotton's letter to Sir Edmond Bacon, April 22, 1613.—*Relig. Wott.*

[1] Chamberlain to Carleton, April 29, 1613, *S. P. Dom.* lxxii. 120. The date of the committal was April 21.

[2] Is it not unlikely that, if Rochester and Northampton had determined on poisoning Overbury, they would have had him committed to the Tower?

were given that he should have no communication with anyone beyond the limits of his prison; and, though his health was failing, he was not permitted to have a servant with him. So strictly were these orders interpreted by Sir William Waad, the Lieutenant of the Tower, that although Rochester sent every day to inquire after the health of the prisoner, the bearers of the messages were never allowed to see him, or even to deliver a letter which, on one occasion, they had brought with them.

This was not what was intended. If Overbury should be released without feeling a sense of obligation to Rochester, the first thing he would do upon leaving the Tower would be to disclose the secrets which Rochester was anxious to keep from the public ear. Waad must therefore be removed. It was not difficult to find charges against him. He was accused of carelessness in guarding his prisoners, and especially of allowing too much liberty to Overbury. He had also permitted the Lady Arabella to have the use of a key, which might, as it was alleged, prove serviceable to her if she had any design of effecting her escape.[1] A successor was found in Sir Gervase Helwys, who was likely to be more complaisant.

Sir G. Helwys appointed Lieutenant of the Tower in the place of Sir W. Waad.

It is plain that Helwys, upon his appointment, entered into some kind of compact with Rochester and Northampton. Of its nature there is no sufficient evidence. But it is probable that he did not go farther than to agree to take care that their letters reached Overbury, whilst he would be at hand to supply whatever comments might be required, without allowing any suspicion to arise that he was acting from other motives than those of kindness to an unfortunate prisoner.[2]

Helwys's agreement with Rochester and Northampton.

Poison could have been administered far more easily in Rochester's own house, and even if they could foresee that they would be able to substitute a dependent of their own for Waad, their doing so would only be likely to draw attention to their proceedings.

[1] Waad's account of his dismissal, Sept. 1615, *S. P. Dom.* lxxxi. 84; Somerset's speech, *Amos*, 109.

[2] This conjecture seems to derive some strength from the letters in *Harl. MSS.* 7002.

Whilst the confederates were calmly forming their plans, there was one person who was not content with such half-measures. To Lady Essex the language which Overbury had used was not merely a danger against the recurrence of which it might be necessary to take precautions; it was an intolerable insult, which cried aloud for vengeance.[1] With the same fixity of purpose with which she had for three years pursued the object which she had in view, she determined that Overbury should die before he left the Tower. She had already, whilst he was still at liberty, attempted in vain to induce a man who had a quarrel with him to waylay him and assassinate him.[2] She now resolved to accomplish her design by means of poison. Mrs. Turner was at hand to give her every information on the subject of the drugs which it would be necessary to use. Everything, however, depended upon the character of the man to whom was assigned the office of taking immediate charge of the prisoner. Lady Essex's choice fell upon Richard Weston, who had for many years been a servant of Mrs. Turner, and who had lately been employed in carrying messages between the Countess and her lover. She accordingly used her interest with Sir Thomas Monson,[3] the Master of the Armoury at the Tower, who, in turn, persuaded Helwys to admit Weston as one of the keepers, and to give him the immediate charge of Overbury.

Feelings of Lady Essex towards Overbury.

She procures the appointment of Weston to be his keeper.

[1] A difficulty certainly occurs here. Is it likely that Lady Essex, who was preparing for a marriage with Rochester, and who had perhaps already committed adultery with him, would not have informed her lover of her intention? It is not a difficulty to be lightly disposed of, but it must be remembered that Sir David Wood had already offered to murder Overbury if Lady Essex could obtain Rochester's promise to obtain pardon for him. When he came again, she told him that it could not be (*Amos*, 87). Either Lady Essex had been afraid to speak to Rochester on the subject, or he had refused to consent, or, if consenting, he had refused to compromise himself. In any of the three cases, she would avoid making him her confidant on such a subject in future.

[2] Examination of Sir David Wood, Oct. 21, 1615, *S. P. Dom.* lxxxii. 84.

[3] Here, again, why should Monson have been employed if Helwys had been appointed with the express purpose of poisoning Overbury? Surely Helwys would at once have been told to employ Weston.

Weston had not been long in charge of the prisoner when he was summoned by Mrs. Turner to attend upon Lady Essex at Whitehall. As soon as he was admitted into her presence, she told him that a small bottle would be sent to him, the contents of which were to be given to Overbury. This bottle she had obtained from an apothecary named Franklin. At the same time she warned him not to taste any of the liquid himself. She added, that if he acted according to her orders, he should be well rewarded.

Requires Weston to poison him.

Soon after this conversation Weston received the poison. As he was on his way with it to Overbury's lodgings, with the intention of mixing it with the soup which was to be sent up to him, he met the Lieutenant, and supposing him to be aware of what was going on, showed him the bottle, and asked him if he should give it to Overbury then. Helwys, as soon as he discovered what the keeper's meaning was, persuaded him to desist from the wicked action which he was intending to commit. Weston put the bottle aside, and the next day emptied it into the gutter.[1]

Weston stopped by Helwys.

Unhappily for himself and the other instruments in this abominable plot, Helwys had not the moral courage to denounce the culprit. Unless he could obtain credit for his tale, such a step would be certain ruin to himself, and he could not know how far the Countess's secret was shared by the powerful members of her family. Even if they were themselves innocent, they would undoubtedly be able to do many ill offices to him, if by his means the shame of Lady Essex were published to the world.

They do not reveal the secret.

He therefore thought it better to hush the matter up than to attempt to bring a powerful criminal to justice. However much the information may have shocked him at first, he soon

[1] Weston's Examination, Oct. 1. Helwys to the King, Sept. 10, 1615. Narrative of Helwys's execution (*Amos*, 178, 186, 213). Helwys and Weston agree in all important particulars, and the way in which Weston's confession was forced out of him makes this agreement valuable, as it shows that there had been no collusion between the two. Besides, is it likely that Overbury would have lived if the poison had been really given him so long previously?

grew to view it merely as it affected his own position. Even whilst he was arguing with Weston, upon Weston's telling him that he should have to administer the poison sooner or later, he replied that it might be done provided that he knew nothing of it. It was finally agreed that Weston should inform Lady Essex that the poison had been given, and should describe the supposed effects of it upon the health of the prisoner.

Weston had the less difficulty in doing this, as Overbury was in reality far from well. He was ailing when he first entered the Tower,[1] and the sudden disappointment of his hopes had worked upon his mind. Every day which passed without bringing an order for his release increased his despondency. Whilst he was in this state, he suggested to Rochester that he should procure him an emetic, in order that, as soon as he heard that he had taken it, he might attempt to work upon the King's compassion by representing him as suffering from the effects of his confinement. Such treatment was not likely to improve his health. We may well believe that Rochester did not press the King very urgently to liberate the prisoner, even if he mentioned the subject to him at all. James consented to allow Overbury to receive the visits of a physician, but he was too much incensed at his presumption to give any heed to his request for freedom.[2]

Overbury's health suffers from his imprisonment.

Whether the course of the unhappy man's disease was at this time assisted by poison is a question to which it is impossible to give more than a very uncertain answer. Amidst contradictory evidence and conflicting probabilities, all that can be made out is, that Lady Essex did not desist from her design. Rochester was in the habit of sending tarts, jellies, and wine to the prisoner, by means of

Lady Essex persists in her attempts.

[1] That there was some truth in the statement which he made of his ill-health, in order to excuse himself from being sent abroad, is shown by the first letter in *Harl. MSS.* 7002, fol. 281. Still he was to all appearances a healthy man at that time.

[2] Rochester to Craig. Northampton to Helwys (*Amos*, 166). Mr. Amos remarks that these papers show that Rochester was willing that Overbury should be visited by a physician. Sir R. Killigrew's letter in

which he contrived to smuggle in the letters which he addressed to him. Lady Essex, if we are to believe a story which both she and Helwys afterwards admitted to be true, took advantage of this to mix poison with the food which was thus conveyed to him. This, however, as Helwys stated, was never allowed to reach the prisoner. It cannot, however, be proved whether the food thus provided was in reality kept back or not, excepting in so far that it is highly improbable that it should have reached him and that he should, after partaking of it, have continued to live. There are even strong grounds for suspecting that no poison was ever put into the tarts at all. What is certain is, that Overbury [1] grew gradually worse. In

the *Harl. MSS.* 7002 proves beyond doubt that Rochester asked him for an emetic for himself. A later letter of Litcote's proves that Rochester sent other medicines to Overbury. It is, to say the least of it, extremely improbable that, if he intended to poison Overbury, he would bring suspicion upon himself by sending him harmless medicines at the same time. The same remark applies to the sending of the tarts, &c., afterwards mentioned.

[1] The letter of Lady Essex to Helwys (*S. P. Dom.* lxxxvi. 6) was used at the time to prove the poisoning of the tarts, &c., and, together with the admissions of Helwys and Lady Essex, it certainly gives strong reasons for suspicion. The interpretation then given was that the word 'letters' in it signified 'poison.' But are there not reasons which make this interpretation, to say the least of it, very doubtful? The writer sends a tart to be changed 'in the place of his that is now come.' This is not very clear. Does it mean that Overbury had returned one? Possibly. She then promises to send a tart at four, and contemplates the possibility of Overbury's sending the tart and jelly and wine to the Lieutenant's wife, and warns her not to eat the tart and jelly, because there are 'letters' in them. Does it seem likely that when Weston was at hand, and, as she believed, still faithful to her, she would poison jellies and tarts which she was uncertain whether Overbury would ever touch? If we read this in the light of Overbury's letter, in the Harleian collection, beginning: "You must give order," the difficulty becomes still greater, for we there see that Overbury made a practice of sending the jelly, &c., back to the Lieutenant, which Lady Essex appears to have known. If Lady Essex really meant 'letters' when she wrote the word, all becomes clear. Helwys may afterwards have stated that 'letters' meant 'poison' in mere desperation, and when the lady confessed the same, she knew that her case was desperate, and probably meant to plead guilty. When, therefore, the examiners came to question her as to whether Helwys's statement was true, she may

writing to Rochester, he became more and more importunate. Rochester seems to have represented to him that Suffolk was an obstacle to his release. Overbury accordingly wrote to Suffolk, protesting that if he regained his liberty he would use all his influence with his patron in favour of Suffolk. About the same time he wrote to Northampton, assuring him that he had never spoken dishonourably of Lady Essex, and promising to abstain from all reflections upon her for the future.

Proceedings of Rochester and Northampton.

From the stray fragments which have reached us of Overbury's correspondence, it seems as if both Rochester and Northampton were still encouraging him in the belief that they were straining every nerve for his delivery, and as if Helwys was acting as their agent in bringing him to a sense of the obligations which he was supposed to be under to them. That Northampton, at least, received with pleasure the news of Overbury's illness and probable death, there can be no doubt; but there is no evidence to prove that he was aware of his niece's proceedings, though, on the other hand, there is no proof that he was kept in ignorance of them;[1] and Mrs. Turner certainly stated shortly before

have allowed it in order to be quit of them, knowing well that it would not do her much harm, as the evidence against her was strong enough already. It must not be forgotten that she afterwards retracted some statements made in the lost confession, in which she first stated that 'letters' meant poison (Bacon's *Letters and Life*, v. 282, and in the confession in *S. P. Dom.* lxxxvi. 6), and that if the second report of the trial be correct, she had only said that 'she meant, perhaps, poison' (*Amos*, 145). It seems to me much more probable that the tarts went backwards and forwards as media of a correspondence, and that Helwys invented the theory of the poison, in order to conceal his breach of trust in permitting it to go on through his hands, and to magnify his own merits in stopping the poison from arriving. If so much poison was really taken by Overbury, how came he to live so long as he did?

The warrant in the *Council Register*, July 22, 1613, shows that Rochester was anxious Overbury should be visited by others besides the physician.

[1] Here, again, the two reports of the trial are very perplexing. In the printed trial Northampton's letter to Rochester is quoted thus: "I cannot deliver with what caution and discretion the Lieutenant hath undertaken Overbury. But for his conclusion I do and ever will love him

her execution that he was as deeply involved in guilt as any of the rest.

Whatever may have been the cause of Overbury's illness, he was not without hopes of recovery. Months had passed away since he had been committed to prison, and Lady Essex was growing impatient. She was tired of Weston's protestations that he had given enough to his prisoner to poison twenty men. She found that, in the absence of the King's physician, Dr. Mayerne, a French apothecary named Lobell attended upon Overbury. If we can venture to rest anything upon the uncertain evidence before us,[1] we may come to the conclusion

better; which was this, that either Overbury shall recover, and do good offices betwixt my Lord of Suffolk and you . . . or else, that he shall not recover at all, which he thinks the most sure and happy change of all" (*Amos*, 25). In the other report the important words are: "Overbury may recover, if you find him altered to do you better services; but the best is not to suffer him to recover" (*Amos*, 141). In quotations from written documents, the printed report seems to me to be the better authority, wherever they are not intentionally garbled. Does not all the constant correspondence with Overbury look as if it was expected that he would be free some day? Of what use was all this trouble if it was intended to poison him?

[1] Weston stated, in his examination of October 1, 1615 (*Amos*, 180), that Helwys ordered 'that none should come . . . but the former apothecary,' i.e. Lobell . . . 'or his man, and that no other came at any time, or gave any clyster to Sir Thomas Overbury,' and on October 6 (*Amos*, 182), that 'little before his death, and as he taketh it, two or three days, Overbury received a clyster given him by Paul de Lobell.' The clyster by which death was caused was not administered two or three days before, but the very day before the death of Overbury. The only evidence of any kind against Lobell is derived from Rider's examination (*Amos*, 168). From this it appears that Rider met Lobell in October 1615, and talked to him of the rumours of Overbury's having been murdered. Lobell asserted that he died of consumption, and that the clyster which was said to have caused his death was prescribed by Mayerne, 'and that his son had made it according to his direction.' A week afterwards Rider met him again, walking with his wife, and told him the poison was given by an apothecary's boy, meaning by this a boy who had at the time of the murder been young Lobell's servant. Upon this Mrs. Lobell said to her husband, 'Oh! mon mari, &c.'—'that was William you sent into France.' Upon this Lobell trembled and exhibited signs of great discomposure. It does not, however, follow that he had known of the servant's act. He knew

that an assistant of Lobell's was bribed to administer the fatal drug. On September 14, he succeeded in accomplishing his purpose by means of an injection. On the following day the prisoner died, the unhappy victim of a woman's vengeance. His death took place only ten days before the judgment was delivered by the Commissioners in the case of the divorce, by which his murderess received the prize which she had stooped so low to win. How far Rochester was aware at the time of what was taking place it is impossible to say with certainty. Lady Essex, in distress at her failures, may have told him of her design, and may even have enlisted his sympathy ; but we have her own distinct statement to the contrary,[1] and the hypothesis

that his sending him away would bring suspicion upon himself. Lobell's own account was that the boy's parents asked him to give him an introduction to some friends in France, which he did the more readily, as he knew his new master used him hardly. The argument against Lobell, however, acquires weight from the fact that he was not put on his trial. It should, however, be remembered that it was the interest of the prosecution to keep the whole history of the apothecary's boy in the background. He was out of England, and if it had been proved that he was the real murderer, all the other prosecutions would fall to the ground at once ; as an accessory could not be prosecuted until a verdict was obtained against the principal. I have omitted all reference to Franklyn's evidence, as no weight whatever can be attached to the assertions of so unblushing a liar. The strongest points against Somerset have been put by Mr. Spedding (Bacon's *Letters and Life*, v. 326) ; but while his arguments are conclusive against the theory that Rochester had a clear case, and only wished in his proceedings before his arrest to shield his wife, they do not exclude the possibility that he, knowing as he may be supposed to have done in 1615, that Overbury had been poisoned, and knowing too that his behaviour about the tarts and powders laid him open to grave suspicion, did all that he could to remove the evidence of such suspicious conduct, and to free himself from a charge which, though untrue, might easily be believed to be true.

[1] On Jan. 12, 1616, when she was in prison she acknowledged to Fenton and Montgomery that she had had part in the murder 'como moza agraviada y ofendida de que el,' *i.e.* Overbury, 'hablava indignisimamente de su persona, pero que el conde de Somerset, que entonces aun no era marido, ni lo havia sabido ni tenido parte en ello, antes ella se guardava y recatava dél en esto, porque le tenia por muy verdadero amigo del Obarberi, que esto era la verdad, aunque el haver sido ella sola en ello fuese mas culpa.' Sarmiento to Philip III. Jan. 30, 1616, *Simancas MSS.* 2595, fol. 23.

of the truth of that statement is, on the whole, most in accordance with known facts.

For two years the murder which had been committed remained unknown. Public curiosity was fixed upon matters of less personal interest. When governments are popular there is but little desire to scan their prerogatives closely, or to impose definite limitations on their authority. When they cease to have public opinion behind them, criticism on their actions and claims is certain to spring up. It is therefore easily intelligible that the year which witnessed the triumph of Northampton and Rochester should also have witnessed the first in a series of legal proceedings the object of which was to defend the prerogative from the assaults of hostile criticism.

Commission to inquire into the management of the Navy.

In the course of the winter of 1612–13, a commission was issued to inquire into the abuses existing in the management of the Navy. A similar inquiry had been made a few years before, which had resulted in little more than the production of a voluminous report by Sir Robert Cotton.[1] As Cotton was at this time leaning towards the Catholic party, he was in high favour with Northampton and the Scottish favourite, and it is likely enough that the renewal of the investigation was due to his newly acquired influence.

The proposal to examine into the abuses of the dockyards was felt by Nottingham as a personal affront offered to him in his capacity of Lord High Admiral. He was a brave man, and had won the honours which he enjoyed by his services in command of the fleet which defeated the Armada; but he was without the administrative abilities which would enable him to make head against the evils which prevailed in the department over which he presided; and, as usually happens, he was the last to perceive his own deficiencies.

Opposed by Nottingham and Mansell.

He determined, therefore, to oppose the inquiry to the utmost. He directed Sir Robert Mansell, who, as Treasurer of the Navy, was equally interested with himself in frustrating the proceedings of the Commissioners, to obtain a legal opinion upon the validity of the commission under which they were about to act.

[1] *S. P. Dom.* xli.

Upon this Mansell applied to Whitelocke, who had been brought into notice by his great speech on the impositions, as a man eminently fitted to deal with the legal questions by which the prerogative was affected. He obtained from him, without difficulty, a paper in which were set down the objections to the commission which presented themselves to his mind. Whitelocke's paper has not been preserved; but as far as we can judge from the report of the proceedings subsequently taken against him he declared that the commission was illegal, as containing directions to the Commissioners to 'give order for the due punishment of the offenders.' Such directions, he urged, were contrary to the well-known clause of Magna Carta, which provides that no free man shall be injured in body or goods, except by the judgment of his peers or by the law of the land.

They obtain from Whitelocke an opinion against its legality.

This paper found its way into the King's hands. Whitelocke, however, had taken the precaution of not signing his name to it, and probably had not allowed it to leave his chambers in his own handwriting. Although, therefore, he was strongly suspected of being the author of it, no steps were for some time taken against him.

Whilst he was thus exposed to the displeasure of the King, he drew down upon himself the anger of the Lord Chancellor, by an argument which he delivered in the course of his professional duties. Having occasion to defend a plaintiff whose adversary appealed to the Court of the Earl Marshal, he argued that there was no such court legally in existence, and succeeded in convincing the Master of the Rolls, and in obtaining an order from him by which the defendant was restrained from carrying his cause out of Chancery. A few days later an attempt was made before the Chancellor to reverse this order. Ellesmere burst out into an invective against Whitelocke. It was in vain that the sturdy lawyer proceeded to quote the precedents and Acts of Parliament upon which he rested the conclusion to which he had come. Ellesmere only inveighed the more bitterly against him and the other lawyers who troubled themselves about questions concerning the prerogative. Even he,

Whitelocke's argument in Chancery.

May 17.

Lord Chancellor as he was, knew nothing about the precedents to which he had referred. The question was too great for him. He would acquaint the King with what had passed, who alone could judge of the whole matter.

It was to no purpose that Whitelocke protested that he had not questioned the power of the King to grant commissions under which a Marshal's Court could be held, but had only argued that, as a matter of fact, no such commission had been issued. On the following day Ellesmere told his story to Northampton and Suffolk, who, as Commissioners for executing the office of Earl Marshal, were personally interested in the question. These three together carried their complaints to the King, and aggravated the supposed offence by reminding him that Whitelocke had not only been one of the leaders of the opposition to the impositions in the late Parliament, but that he was, in all probability, the author of the exceptions to the commission for the reform of the navy, which had so greatly excited his displeasure.

He is committed to the Fleet.

May 18.

James directed that the offender should be brought before the Council. The three lords, well satisfied with their success, obtained an order that very afternoon to summon the obnoxious lawyer to appear. After he had been examined, he was immediately committed to the Fleet, where Mansell was already in confinement.

About three weeks after his imprisonment, Whitelocke was again summoned before the Council to answer for the contempt which he was said to have committed, in the opinion which he had given upon the Navy Commission. The charge against him on account of his argument in the Court of Chancery was dropped, in all probability in consequence of the discovery that he was right in point of law. At the same time Mansell was called upon to answer for the part which he had taken in acting as agent between Nottingham and Whitelocke, though, to save appearances, it was given out that Nottingham's name had been improperly used in the affair.

Mansell and Whitelock charged before the Council with their proceedings in reference to the exceptions to the Commission on the Navy.

Hobart and Bacon appeared against Whitelocke. After

objecting to the unceremonious language in which he had spoken of a document proceeding from the Crown, they charged him with making false statements in the opinion which he had given. It was not true, they said, that the Commissioners were empowered to inflict punishment themselves upon the offenders. It was never intended that they should do more than refer their offences to the ordinary course of justice. The commission itself has not been preserved, but in all probability it was ambiguous on this point. But the Crown lawyers took care not to rest their argument upon a mere question of fact which, however important to the parties themselves, would fail to command any general interest. They proceeded to argue that, even if the facts were as Whitelocke asserted them to be, he would still have been in the wrong. In the first place the officers who were subjected to the commission were the King's own servants, and were therefore liable to punishment by him in his capacity of master, as well as in that of sovereign. This, however, was not enough; they declared that there was nothing in Magna Carta which made it unlawful for the King to issue commissions with power to imprison the bodies, or to seize the lands and goods of his subjects without any reference to the ordinary courts of law. They affirmed that, in requiring a condemnation by the law of the land, as well as by the verdict of a jury, Magna Carta had in view the case of proceedings before courts which existed in virtue of the King's prerogative for the trial of cases in which political questions were involved. To deny this, they said, would be 'to overthrow the King's martial power, and the authority of the Council-table, and the force of His Majesty's proclamations, and other actions and directions of State and policy applied to the necessity of times and occasions which fall not many times within the remedies of ordinary justice.' The same reasoning was used to prove the legality of the precautionary imprisonment which was a matter of necessity whenever resort could not be had, at a moment's notice, to the decision of a jury.

Argument of Hobart and Bacon.

As soon as these arguments were completed, Montague who, upon Doderidge's promotion to the Bench, had succeeded him

as King's Serjeant, followed with charges of a similar nature against Mansell. The statements of the lawyers were, of course, supported by the Council itself. Both Whitelocke and Mansell acknowledged the justice of the censure passed upon them, and requested the lords to assist them in an appeal to the clemency of the King.[1] On the following day it was announced that the King had accepted their submission, and both the prisoners were set at liberty.

Submission of Whitelocke and Mansell.

They are released, June 13.

These proceedings are of no small importance in the history of the English Revolution. They drew forth a declaration from the Privy Council, against which the judges made no protest, to the effect that if it could be shown that a political question were involved in a case, it was an offence even to question the legality of the exercise of judicial powers by persons appointed by the Crown to act without the intervention of a jury.[2] Such a declaration was the counterpart of the judgment of the Exchequer in the case of impositions. In acting upon that judgment, the Government had done its best to make its authority independent of the votes of the House of Commons. It now declared its adhesion to a principle which would, in administrative disputes, make it independent of the verdict of a jury.

Judicial irresponsibility claimed by the Government.

Amongst those who took a prominent part in establishing this conclusion was Bacon; and though he has not left on record any sketch of his views on the English constitution, there can be little difficulty in arriving at his real opinion on the relations which ought to subsist between the Government and the representatives of the people.[3] His speeches and actions in political life all point in one direction, and they are in perfect accordance with the slight

Bacon's theory of government.

[1] Whitelocke's *Liber Famelicus*, 33–40, 113–118. Bacon's *Letters and Life*, iv 346; Chamberlain to Carleton, June 10, *Court and Times*, i. 241; Whitelocke's submission, June 12, *Council Register*.

[2] Bacon's *Letters and Life*, iv. 348.

[3] *De Augmentis*, viii. 3. But it is noticeable that even here he only says, "Venio jam ad artem imperii, sive doctrinam de Republicâ administrandâ." Of constitutional theory, not a word.

indications of his feelings on this most important subject which are scattered over his writings, and with his still more expressive silences. There can be no doubt whatever that his ideal form of government was one in which the Sovereign was assisted by councillors and other ministers selected from among the wisest men of the kingdom, and in which he was responsible to no one for his actions within the wide and not very clearly defined limits of his political prerogative. The House of Commons, on the other hand, was called upon to express the wishes of the people, and to enlighten the Government upon the general feeling which prevailed in the country. Its assent would be required to any new laws which might be requisite, and to any extraordinary taxation which might be called for in time of war, or of any other emergency. The House of Lords would be useful as a means of communication between the King and the Commons, and would be able to break the force of any collision which might arise between them. In order that the Government might preserve its independence, and that, whilst giving all due attention to the wishes of its subjects, it might deliberate freely upon their demands, it was of the utmost importance that the Sovereign should have at his disposal a revenue sufficient to meet the ordinary demands upon the Treasury in time of peace, and that he should be able to command respect by some means of inflicting punishment on those who resisted his authority, more certain than an appeal to the juries in the courts of law. According to the idea, however, which floated before Bacon's mind, such interferences with the ordinary courts of law would be of rare occurrence. The Sovereign, enlightened by the wisdom of his Council, and by the expressed opinions of the representatives of the people, would lose no time in embodying in action all that was really valuable in the suggestions which were made to him. He would meet with little or no opposition, because he would possess the confidence of the nation, which would reverence in their King their guide in all noble progress, and the image of their better selves.

It is impossible to deny that in such a theory there is much which is fascinating, especially to minds which are conscious

of powers which fit them for the government of their fellow-men. In fact, it was nothing else than the theory of government which had been acted on by Elizabeth with general assent, though in her hands it had been modified by the tact which she invariably displayed. It was, therefore, likely to recommend itself to Bacon, who had not only witnessed the glories of that reign, but had been connected with the Government both by the recollection of his father's services, and by his own aspirations for office.

Not unnatural in one who had lived in the reign of Elizabeth.

The glories of the reign of Elizabeth, however, would have failed to exercise more than a passing influence over a man of Bacon's genius, if the tendencies of his own mind had not led him to accept her theory of government even when it reappeared mutilated and distorted in the hands of her successor. The distinguishing characteristic of Bacon's intellect was its practical tendency. In speculative as well as in political thought, the object which he set before him was the benefit of mankind. "Power to do good," as he himself has told us, he considered to be the only legitimate object of aspiration.[1] His thoughts were constantly occupied with the largest and most sweeping plans of reform, by which he hoped to ameliorate the condition of his fellow-creatures. No abuse escaped his notice, no improvement was too extensive to be grasped by his comprehensive genius. The union with Scotland, the civilisation of Ireland, the colonisation of America, the improvement of the law, and the abolition of the last remnants of feudal oppression, were only a few of the vast schemes upon which his mind loved to dwell.

They are favoured by the bent of his genius.

With such views as these, it was but natural that Bacon should fix his hopes upon the Sovereign and his Council, rather than upon the House of Commons. It was not to be expected that the Commons would adopt with any earnestness schemes which, except where they touched upon some immediate grievance, were so far in advance of the age in which he lived, that even after the lapse of two centuries and a half the descendants of the generation to

He had more hope in the Privy Council than in the House of Commons.

[1] In the essay '*Of Great Place.*'

which they were addressed are still occupied in filling up the outline which was then sketched by the master's hand. Nor, even if the House of Commons had possessed the will, was it at that time capable of originating any great and comprehensive legislative measure. It was as yet but an incoherent mass, agitated by strong feelings, and moved by a high and sturdy patriotism, ready indeed to offer a determined resistance to every species of misgovernment, but destitute of that organization which can alone render it possible for a large deliberative assembly, without assistance from without, to carry on satisfactorily the work of legislation. The salutary action of a ministry owing its existence to the support of the House, and exercising in turn, in right of its practical and intellectual superiority, an influence over all the proceedings of the legislature, was yet unknown. To Bacon, above all men, a change which should make the House of Commons master of the executive government was an object of dread; for such a change would, as he imagined, place the direction of the policy of the country in the hands of an inexperienced and undisciplined mob.[1]

Nor was it only on account of its superior capability of deliberation on involved and difficult subjects that Bacon's sympathies were with the Privy Council; he looked upon it with respect from the mere fact of its being the organ of the executive government, by means of which those measures of improvement by which he set such store were to be carried out. He had always before him the idea of the variety of cases in which the Government might be called to act, and he allowed himself to believe that it would be better qualified to act rightly if it were not fettered by strict rules, or by the obligation to give an account of its proceedings to a body which might be ignorant of the whole circumstances of the case, and which was only partially quali-

Bacon's desire to free the executive from restrictions.

[1] What the faults of the House of Commons were when they did obtain the highest place in the State, has been shown in Lord Macaulay's posthumous volume. His narrative is enough to convince us that though the suspicions of those who thought with Bacon were unfounded, they were certainly not absurd.

fied to judge of the wisdom of the measures which had been taken.

Whilst, however, he was desirous to restrain the House of Commons within what he considered to be its proper bounds, he had the very highest idea of its utility to the State. Whenever occasion offered, it was Bacon's voice which was always among the first to be raised for the calling of a Parliament. It was there alone that the complaints of the nation would make themselves fully heard, and that an opportunity was offered to the Government, by the initiation of well-considered remedial legislation, to maintain that harmony which ought always to exist between the nation and its rulers.

His feelings with regard to the House of Commons.

Englishmen do not need to be told that this theory of Bacon's was radically false; not merely because James was exceptionally unworthy to fill the position which he occupied, but because it omitted to take into account certain considerations which render it false for all times and for all places, excepting where no considerable part of the population of a country are raised above a very low level of civilisation. He left out of his calculation, on the one hand, the inevitable tendencies to misgovernment which beset all bodies of men who are possessed of irresponsible power; and, on the other hand, the elevating operation of the possession of political influence upon ordinary men, who, at first sight, seem unworthy of exercising it.

His mistakes.

We can hardly wonder, indeed, that Bacon should not have seen what we have no difficulty in seeing. That Government owes its stability to the instability of the ministers who, from time to time, execute its functions, is a truth which, however familiar to us, would have seemed the wildest of paradoxes to the contemporaries of Bacon. That the House of Commons would grow in political wisdom and in power of self-restraint when the executive Government was constrained to give account to it of all its actions, would have seemed to them a prognostication only fit to come out of the mouth of a madman. That the strength of each of the political bodies known to the constitution would grow, not by

Causes of them.

careful demarcation of the limits within which they were to work, but by the harmony which would be the result of their mutual interdependence, was an idea utterly foreign to the mind of Bacon.[1] Even if such a thought had ever occurred to him, at what a cost of all that he valued most in his better moments would it have been realised! The supremacy of the representatives of the people over the executive Government would undoubtedly be accompanied by an indefinite postponement of those reforms upon which he had set his heart, and, to him, the time which must be allowed to elapse before the House of Commons was likely to devote itself to those reforms, must have seemed likely to be far longer than it would be in reality—if, indeed, he did not despair of any satisfactory results at all from such a change. In this, no doubt, he was mistaken; but it must be remembered that, unlike the continental statesmen who have in our own day fallen into a similar error, he

[1] The following extract from Mr. Ellis's preface to Bacon's Philosophical Works (*Works*, i. 62) is interesting, as showing that Bacon's speculative errors were precisely the same in kind as those which lay at the bottom of his political mistakes:—'Bacon . . . certainly thought it possible so to sever observation from theory, that the process of collecting facts, and that of deriving consequences from them, might be carried on independently and by different persons. This opinion was based on an imperfect apprehension of the connection between facts and theories; the connection appearing to him to be merely an external one, namely, that the former are the materials of the latter.' According to Bacon's view of the Constitution, the House of Commons was the collector of facts, whilst the work of the Privy Council was to derive consequences from them, and the connection between the two bodies appeared to him to be merely external. Ranke gives in a few words the true explanation of Bacon's attachment to the prerogative: 'Bacon war einer der letzten, die das Heil von England in der Ausbildung der monarchischen Verfassung, oder doch in dem Uebergewicht der Berechtigung des Fürsten innerhalb der Verfassung sahen. Die Verbindung der drei Reiche unter der verwaltenden Autorität des Königs schien ihm die Grundlage der künftigen Grösze Groszbrittanniens zu enthalten. An die Monarchische Gewalt knüpfte er die Hoffnung einer Reform der Gesetze von England, der Durchführung eines umfassenden Colonialsystems in Irland, der Annäherung der kirchlichen und richterlichen Verfassung von Schottland an die englischen Gebräuche. Er liebte die Monarchie, weil er grosze Dinge von ihr erwartete.'—*Englische Geschichte*, Sämmtliche Werke, xv. 93.

had no beacon of experience to guide him. England was then, as she has always been, decidedly in advance, so far as political institutions are concerned, of the other nations of Europe. She had to work out the problem of government unaided by experience, and was entering like Columbus upon a new world, where there was nothing to guide her but her own high spirit and the wisdom and virtue of her sons. On such a course as this even Bacon was an unsafe guide. Far before his age in his knowledge of the arts of government, in all matters relating to the equally important subject of constitutional law, he, like his master, 'took counsel rather of time past than of time future.'

Bacon's moral failings

But, after all, it is impossible to account for Bacon's political errors merely by considerations drawn from the imperfections of his mighty intellect. If he had been possessed of fine moral feelings he would instinctively have shrunk from all connection with a monarch who proposed to govern England with the help of Rochester and the Howards. But there was something in the bent of his genius which led him to pay extraordinary reverence to all who were possessed of power.[1] The exaggerated importance which he attached to the possession of the executive authority led him to look with unbounded respect on those who held in their hands, as he imagined, the destinies of the nation. The very largeness of his view led him to regard with complacency actions from which a man of smaller mind would have shrunk at once. His thoughts flowed in too wide a channel. They lost in strength what they gained in breadth. An ordinary man, who has set his heart upon some great scheme, if he fails in accomplishing it, retires from the scene and waits his time. But whenever Bacon failed in obtaining support for his views he had always some fresh plan to fall back upon. He never set before himself any de-

connected with the comprehensiveness of his mind.

[1] The feeling with which Lord Chatham regarded George III. is another example of the extent to which active minds are sometimes overawed by the possessors of power. Chatham's loyalty was probably sharpened by his dislike of the Whig aristocracy, as Bacon's was by his opposition to Coke and the lawyers of his class.

finite object as one for which it was worth while to live and die. If all his plans were rejected, one after another, there would be at least something to be done in the ordinary exercise of his official duties; and the mere pleasure of fulfilling them efficiently would blind him to the rottenness of the system of which he had made himself a part.

His admiration of the prerogative.

To Bacon the Royal prerogative was the very instrument most fitted for his purpose. To act as occasion might require, without being bound by the necessity of submitting to an antiquated, and, it might be, an absurd restriction of the law, was the very highest privilege to which he could aspire. He could not but regard the Sovereign who had it in his power to admit him to share in wielding this mighty talisman as a being raised above the ordinary level of mortals, and he was ever ready to shut his eyes to the faults with which his character was stained.

His weakness.

How far he did this voluntarily it is impossible to say with certainty. No doubt, in his time, the complimentary phrases which he used were looked upon far more as a matter of course than they would be at the present day. It is only to those who are unaccustomed to the language of Bacon's contemporaries that his flattery appears at all noticeable. In many points, too, in which we condemn the conduct of James, that conduct would appear to Bacon to be not only defensible, but even admirable. Where, on the other hand, he was unable to praise with honesty, he may have been content to praise out of policy. To do so was the only manner in which it was possible to win the King's support, and he knew that without that support he would be powerless in the world. Some allowance must also be made for his general hopefulness of temper. He was always inclined to see men as he would have them to be, rather than as they were. Nothing is more striking in his whole career than the trustful manner in which he always looked forward to a new House of Commons. He never seemed to be able to understand what a gulf there was between his own principles and those of the representatives of the people. Whatever cause of quarrel there had been, it was in his eyes always the result of faction. He was sure that, if the real sen-

timents of the gentlemen of England could be heard, justice would be done him. It would seem as if he regarded the King as he regarded the Parliament; both had it in their power to confer immense benefits on England—both, it might be hoped, and even believed, would do their part in the great work.

Nor can it be denied that if he loved office for the sake of doing good, he also loved it for its own sake. He was profuse in his expenditure, and money therefore never came amiss to him. His impressionable mind was open to all the influences of the world; he liked the pomp and circumstance of power, its outward show and grandeur, the pleasant company and the troops of followers which were its necessary accompaniments. His mind was destitute of that pure sensitiveness which should have taught him what was the value of power acquired as it was alone possible for him to acquire it. The man who could find nothing better to say of marriage than that wife and children are impediments to great enterprises, was not likely to regard life from its ideal side. He learned the ways of the Court only too well. Of all the sad sights of this miserable reign, surely Bacon's career must have been the saddest. It would have been something if he had writhed under the chains which he had imposed upon himself. Always offering the best advice only to find it rejected, he sank into the mere executor of the schemes of inferior men, the supporter of an administration whose policy he was never allowed to influence.

Whatever may have been Bacon's opinion on the maintenance of the prerogative, there can be no doubt that he would have been gravely dissatisfied with a system in which Parliaments had no place. Nor was the question of summoning Parliament one the serious consideration of which could be postponed much longer. In June, 1612, the Chancellor of the Exchequer, Sir Julius Cæsar, informed the King[1] that the ordinary expenditure of the Crown exceeded the revenue by no less a sum than 160,000*l.*, and that the debt had risen to 500,000*l.* from the 300,000*l.* at which it stood at the opening of the session in the spring of

1612. Sir J. Cæsar's Report on the Exchequer.

[1] Cæsar's notes, *Lansd. MSS.* 165, fol. 223.

1610. Upon this a Sub-Committee, of which Bacon as well as Cæsar was a member, was appointed to report to the new Commissioners of the Treasury upon the state of the finances. The result of their labours was a plan which was actually carried into effect, by which the deficit might be reduced by about 35,000*l.*, leaving 125,000*l.* still unprovided for, to say nothing of the extraordinary expenses which were certain to arise from time to time. What the amount of these extraordinary expenses was may be calculated from the fact that in the two years which ended at Michaelmas, 1613, although many claims upon the Government were left unpaid, it was necessary to borrow 143,000*l.*, of which a great part was raised by a new issue of Privy Seals; and that, in addition to the money thus obtained, no less a sum than 388,000*l.* had been obtained by means of payments, many of which were not likely to be repeated, and none of which could be considered as forming part of the regular revenue of the Crown. Some of this, no doubt, was expended in providing for outstanding claims; but, in spite of all the efforts of the Government, the debt, as has been seen, continued to increase. It must, however, be said that it was upon the report of this committee that James, for the first time, showed a desire to economise; and though he could not at once withdraw the pensions and annuities which he had heedlessly granted, or reduce in a moment the scale of expenditure which he had authorised, he did what he could to check his propensity to give away money to every one of his courtiers who begged for it.

Efforts to improve the revenue.

In the year which ended at Michaelmas, 1613, the difficulties were especially great. In addition to the ordinary expenditure, a part at least of the expenses connected with the marriage of the Princess had to be met within the year. Those expenses amounted to more than 60,000*l.*, to which 40,000*l.* had to be added for the portion of the bride. 16,000*l.* was wanted towards defraying the outlay at Prince Henry's funeral. Other extraordinary charges were pressing for payment, and amongst them 105,000*l.* was required to pay off a loan which had fallen due.

No effort was spared to meet these demands. The Earl of

Northumberland was forced to pay 11,000*l.* on account of his fine in the Star-Chamber,[1] which, under other circumstances, would, in all probability, have been left in his pocket. 65,000*l.*, which had long been owed by the French Government, was extracted from the King of France. The repayment of the debt which the Dutch had contracted with Elizabeth had commenced in 1611, and was still continuing at the rate of 40,000*l.* a year. 57,000*l.* was produced by baronetcies in the two years, and all other means which could be thought of were resorted to without scruple. Privy Seals were again sent out to a select few who were supposed to be capable of sustaining the burden, though the last loan had not been repaid, and 6,000*l.* was borrowed from other sources. On one occasion, when the Exchequer was all but empty, Rochester produced 24,000*l.*, which he requested the King to accept as a loan until the present difficulty was at an end.[2] It was all in vain. Recourse was again had to the sale of lands and woods. By this means a sum of 65,000*l.* was realised.

Such a method of extricating the Exchequer from its difficulties must have an end. Already the entail of 1609 had been broken into, and lands had been parted with which were intended to be indissolubly annexed to the Crown. 67,000*l.*, moreover, of the revenue of the following year had been levied in anticipation, so that the prospect was more than ever hopeless. Under these circumstances, it is not strange that the idea of calling a Parliament was accepted even by those who had been most opposed to such a measure.

June. Necessity of calling a Parliament

There were two men who had always consistently recommended the summoning of Parliament. Immediately upon Salisbury's death Bacon wrote to the King, advising this course, and offering to suggest measures

advocated by Neville and Bacon.

[1] It is generally supposed that the Star-Chamber fines formed a large portion of the King's revenue. This is by no means the case. The large fines were almost invariably remitted.

[2] *Receipt Books of the Exchequer.* In Chamberlain's letter to Carleton, April 29, 1613 (*S. P.* lxxii. 120), the sum is erroneously given as 22,000*l.*; 20,000*l.* was repaid within the year.

which might lead the way to a settlement of the differences between him and the House of Commons.[1] Some months before, Sir Henry Neville had a conversation with James on the same subject, and gave his opinion strongly in the same direction.[2] It was not, however, till the summer of 1613 that James was willing to admit the idea of appealing once more to the representatives of the people, who had been dismissed by him so summarily.

Neville's memorial. Advises the summoning of a Parliament.

It was in 1612 that a memorial was drawn up by Neville, which brought plainly before James the popular view of the subject.[3] Neville's opinion was, that all the schemes which had been suggested for raising money in any way except by Parliament, would prove in the end to be failures. It was no mere question of money. The ill-feeling which had been caused by the dissolution of the last Parliament had not been confined to its members. From them it had spread over every constituency in the kingdom. All Europe knew that the king and his subjects were at variance, and the enemies of England would be emboldened to treat with contempt a nation where there was no harmony between the Government and the people. If James wished to maintain his position amongst the Sovereigns of the Continent, he must prove to them that he had not lost the hearts of his subjects ; and there was no better way of accomplishing this than by showing that he could meet his Parliament without coming into collision with it.

It might indeed be said that the Commons would still be unwilling to give money under any conditions whatever, or that, even if they consented to grant supplies, they would clog their

[1] Bacon to the King, May 31, 1612, *Letters and Life*, iv. 279.

[2] *C. J.* i. 485. The conversation at Windsor there mentioned took place in July, 1611. But the mention of projects in the memorial looks as if it had been drawn up at a later date. It is, perhaps, a repetition of arguments formerly presented.

[3] The copies which are among the *State Papers* are all anonymous. But Carte (*Hist.* iv. 17), who had another copy before him, speaks distinctly of the memorial as being Neville's, and the internal evidence all points in the same direction.

concessions with unreasonable demands. To these objections Neville replied that it was a mistake to suppose that the opposition in the last Parliament arose from factious motives. He had himself lived on familiar terms with the leaders of the Opposition, and he was able to affirm, without fear of contradiction, that they bore no ill-will towards the King. He was ready to undertake for the greater part of them that, if the King would act fairly by his people, he would find these men ready to exert themselves in support of the Government. It was true, indeed, that it would be necessary to grant certain things upon which those who would be called to pay the subsidies had set their hearts. It remained to be considered what these concessions should be.

Objections answered.

It was difficult, he said, for any one man to set down the requirements of all the members of the House ; but from what he knew of the leading men of the last Parliament, he had ventured to draw up a list[1] of concessions which, as he thought, would prove satisfactory to them. In this paper, which was appended to his memorial, Neville set forth certain points in which he thought that the law pressed hardly upon the subject. None of them, however, were of much importance. He undoubtedly attached greater weight to the eight concessions which James had offered to the Commons shortly after the breach of the contract. These he copied out, and, adroitly enough, refused to give any opinion on them, taking it for granted that they still expressed the opinions of the King. Amongst them was a renunciation of the right of levying impositions without consent of Parliament.

Concessions to be made

Having thus laid before James a list of the points which it would be advisable to yield, Neville proceeded to urge that Parliament should be summoned immediately. Let the King avoid the use of any irritating speeches, and let him do his best while he was on his progress to win the good-will of the country gentlemen. Let orders be given to the Archbishop to allow no books to be printed, or sermons preached, which reflected on the House of Commons.

Conduct recommended to the King.

[1] This list will be found among the *State Papers, Dom.* lxxiv. 46.

Let the grievances presented in the last Parliament be examined, and, if the King were willing to yield on any point, let him do it at once, without waiting for the commencement of the session. Above all, let him see that all promises made by him were actually carried into execution.

No less important were Neville's practical suggestions for the conduct of business in the House of Commons. He saw that the system adhered to since Salisbury's elevation to the Peerage, of communicating the King's wishes through members of the Upper House, had not worked well. He therefore recommended that the King should address the Commons either in person or by members of their own House, and that he should call on them to nominate a committee to confer with himself on all points on which he and they were at issue.

Excellent as in many respects this advice was, Neville absolutely ignored the important fact that he had proposed to James nothing less than a complete capitulation. The King was, in short, to accept the Commons as his masters, and to give way where they wished him to give way, even if the concession cost him the abandonment of his most treasured principles. It was not so that James understood his position as a king, and if the position which he claimed was becoming untenable, the reasons which were making it necessary for the kingship to change its ground ought certainly not to have been passed over in silence. Still less ought Neville to have abstained from descending to particulars, and from giving reasons why it would be well for James to give way on certain points on which he had up to this time maintained an attitude of unflinching resistance.

In Bacon James found an adviser who was not likely to commit this mistake. No one could be more fully convinced that it was the duty of a Government to lead, and not to be dragged helplessly along without a will of its own. To the renewal of the Great Contract in any shape, Bacon was utterly opposed. He held that it had been the great mistake of Salisbury's official life. It was introducing the idea of a bargain where no bargain ought to be—between the King and his subjects—who were indissolubly united as the head is united

Bacon's advice.

to the body. He therefore recommended that a Parliament should be called for legislation, and not merely for supply. Let the King show his care for the public by giving the Commons good work to do, and he would once more stand in a befitting relation to them. He would be asking them to co-operate with him, not dealing with them as a merchant having adverse interests to theirs. As to money, let him say as little about it as possible, and strive to extenuate his wants by letting it be known that if only time were given him he could find a way without Parliament to balance his expenditure and his revenue. Probably the Commons would vote a supply which would be the beginning of future liberalities. Even if they did not, much would be gained if the session were to come to an end without a quarrel. "I, for my part," he wrote, "think it a thing inestimable to your Majesty's safety and service, that you once part with your Parliament with love and reverence."

So far Bacon's advice was but given in anticipation of all that modern experience has taught on the relationship between Governments and representative assemblies. That unity, which we secure by making the duration of a Cabinet dependent upon its acceptance by a majority of the House of Commons, Bacon would have secured by bringing the King to conciliate the majority by his skill in the practical work of legislation. Yet it is impossible to feel completely satisfied with the whole of the letter in which this admirable counsel is given. In dealing with the causes of the King's difficulties in the last Parliament, he lays far too great stress on personal details, and none at all on that alienation of sentiment which was the true root of the mischief. He thought that the old grievances would now be forgotten, and that as James had not lately done anything unpopular, he was not likely to be annoyed by their revival. After having thus measured the retentive powers of his countrymen's memories, he went on to say—at the time when Rochester's interest in the divorce of Lady Essex was in the mouths of all—that Lord Sanquhar's execution had produced a conviction that the King was now impartial in dealing justice to Scotchmen and Englishmen alike ; that the deaths of the Earls of Salisbury and Dunbar had rid him of the odium which was

attached to their persons ; and that the leaders of the House of Commons had found out by this time that nothing was to be gained by opposition, and would at last, through hope of the King's favour, be ready to support him in his demands.[1]

No doubt Bacon would not have cared to breathe a word on James's defects of character in a letter addressed to himself, but the total absence of any recognition of their existence in a set of notes drawn up solely for his own use[2] is fatal to the idea that he felt anything like the full difficulty of the task which he had undertaken. Here, as everywhere else in his career, his bluntness of feeling led him to overestimate the part played by intelligence and management in the affairs of the world.

For the present nothing was done to carry out Bacon's plan. In the beginning of July the Privy Council was still unconvinced that the state of the finances was beyond the reach of ordinary remedies, and the question of summoning a Parliament was postponed to a more convenient season. Yet, whether James was ultimately to adopt Bacon's advice or not, an opportunity occurred of showing that he had learnt to value him as an adviser. A year before, it had seemed as if nothing was to be done for him. He had then applied in vain for the Mastership of the Court of Wards, which had again become vacant by the death of Sir George Carew. He had counted upon success so far as to order the necessary liveries, but for some reason or other he was disappointed. Perhaps he omitted to offer the

July. Parliament postponed.

Bacon's prospects of promotion.

[1] "That opposition which was, the last Parliament, to your Majesty's business, as much as was not *ex puris naturalibus*, but out of party, I conceive to be now much weaker than it was, and that party almost dissolved. Yelverton is won. Sandys is fallen off. Crew and Hide stand to be Serjeants. Brock is dead. Nevill hath hopes. Berkeley will, I think, be respective. Martin hath money in his purse. Dudley Digges and Holles are yours. Besides, they cannot but find more and more the vanity of that popular course, especially your Majesty having carried yourself in that princely temper towards them as not to persecute or disgrace them, nor yet to use or advance them." Bacon to the King, *Letters and Life*, iv. 368.

[2] Reasons for calling a Parliament. *Letters and Life*, iv. 365.

accustomed bribe to Rochester. At all events, the place was given to Sir Walter Cope, a man of integrity, but of no great abilities. The wits made merry over the discomfiture of the Solicitor-General. Sir Walter, they said, had got the Wards, and Sir Francis the Liveries.

Bacon, however, had probably, in the summer of 1611, received a promise from the King of succeeding to the Attorney-Generalship whenever that place should be vacated by Hobart,[1] and on August 7, two years afterwards, the death of Sir Thomas Fleming, the Chief Justice of the King's Bench, opened the way for his advancement.

Aug. 7. Vacancy in the Chief Justiceship of the King's Bench.

Bacon at once wrote to the King, and begged him to appoint Hobart to the post. In case of his refusal he asked that he might himself be selected.[2] It was not long, however, before he communicated to the King a plan, by means of which James might get rid of a hindrance to the exercise of his prerogative. Coke's resistance to the King on the subject of the proclamations and the prohibitions had never been forgotten; and Bacon suggested that it would be well to grasp at so good an opportunity of showing the great lawyer that he was not altogether independent. 'The Chief Justiceship of the King's Bench was indeed a more honourable post than that which Coke now held, but it was far less lucrative, and it was well known that Coke would be unwilling to pay for the higher title with a diminution of his income. His selection as Fleming's successor would be universally regarded as a penal promotion, which would deter others from offending in a similar manner. Room would thus be made for Hobart in the Common Pleas. As for himself, he would take care to put forth all his energies as Attorney-General in defence of the prerogative. It was an office the duties of which he was better able to fulfil than his predecessor had been, who was naturally of a timid and retiring disposition. Coke was to be bound over to good behaviour in his new place by the prospect of admission to the Privy Council.[3]

[1] *Letters and Life*, iv. 242. [2] Bacon to the King, *ibid.* iv. 378.
[3] *Letters and Life*, iv. 381.

Except in the last particular, Bacon's advice was followed. Coke, sorely against his will, was forced into promotion, but by his immediate admission to the Council all incentive to submissive conduct was removed. Hobart became Chief Justice of the Common Pleas, and Bacon stepped into the place which had been held by Hobart. The Solicitorship was given to Yelverton, whose opinion on most points coincided with that of Bacon, and whose speech in defence of the prerogative, in the debate on the impositions, had not been forgotten.

Legal promotions.

Coke was grievously offended at his own promotion. It is probable enough that it was something more than the mere loss of income which rankled in his mind. He had aspired to be the arbitrator between the Crown and the subject, and his new place in the King's Bench would afford him far less opportunity of fulfilling the functions of an arbitrator than his old one in the Common Pleas.[1] The first

Coke takes offence.

[1] See *Letters and Life*, iv. 379. In writing of this affair, as well as of that of Bacon's advice on the caliing of Parliament, I have considerably modified my statements, upon consideration of Mr. Spedding's arguments. But I have found it impossible to adopt his views altogether. Take, for instance, such sentences as these : "To a man of Coke's temper, the position of champion and captain of the Common Law in its battles with Prerogative was a tempting one. His behaviour as Chief Justice of the Common Pleas, though accompanied with no alteration in himself, had entirely altered his character in the estimation of the people ; transforming him from the most offensive of Attorney-Generals into the most admired and venerated of judges, and investing him with a popularity which has been transmitted without diminution to our own times, and is not likely to be questioned. For posterity, having inherited the fruits of his life, and being well satisfied with what it has got, will not trouble itself to examine the bill, which was paid and settled long ago. To us, looking back when all is over, the cost is nothing. To the contemporary statesmen, however, who were then looking forth into the dark future, and wondering what the shock of the contending forces was to end in, his triumphs were of more doubtful nature. To some of them, even if they could have foreseen exactly what was going to happen, the prospect would not have been inviting. A civil war, a public execution of a King by his subjects for treason against himself, a usurpation, a restoration, and a counter-revolution, all within one generation, would have seemed, to one looking forward, very ugly items in the successful solution of a national difficulty ; and those who saw in Coke's

time that he met Bacon after these alterations were completed he could not avoid showing what his feelings were. He 'parted dolefully from the Common Pleas, not only weeping himself, but followed with the tears of all that Bench, and most of the officers of that Court.'[1] "Mr. Attorney," he said to Bacon, when next he met him, "this is all your doing; it is you that have made this great stir." "Ah, my lord!" was the ready answer, "your lordship all this while hath grown in breadth; you must needs now grow in height, else you will prove a monster."[2]

The year which had been noted by the great divorce case, and which was afterwards known to have been marked by the

judicial victories the beginning of such an end, might be pardoned if they desired to find some less dangerous employment for his virtues."

I have given the whole of this passage because it brings into a focus the real difference between Mr. Spedding's way of regarding the history of the seventeenth century and my own. With the main current of the argument I am in complete agreement. I hold that Bacon was a far better counsellor than Coke, and that if Bacon's whole advice had been taken we should have escaped much mischief. Nor can I deny that contemporary statesmen, if they could have foreseen what afterwards happened, and if they thought that Coke's conduct was likely to lead to the Civil War and the other evils in store, would have been very anxious to get Coke out of the way. What I complain of is of Mr. Spedding's omission to add that if contemporaries thought this they thought wrongly. The Civil War came about, not because Coke's principles prevailed, but because half of Bacon's principles prevailed without the other. If James and his son had stood towards Parliament as Bacon wished them to stand, there would have been no danger to be feared from Coke. If he had gone wrong, it would have been easy to suppress his activity. The real mischief lay not in the inevitable change in the relationship between the Crown and the Commons being carried out—Mr. Spedding acknowledges that it must have been carried out—but in its being carried out with a shock. What my opinion is as to the cause of the calamity none of my readers will have any difficulty in understanding. As I write this note the saddening remembrance of the loss of one whose mind was so acute, and whose nature was so patient and kindly, weighs upon my mind. It was a true pleasure to have one's statements and arguments exposed to the testing fire of his hostile criticism.

[1] Chamberlain to Carleton, Oct. 27, *S. P. Dom.* lxxiv. 89.

[2] Bacon's Apophthegms, *Prof. and Lit. Works*, ii. 169.

murder of Overbury, witnessed in its close the festivities which accompanied the marriage of the favourite. The ceremony was performed on the day after Christmas day at the Chapel Royal. Lady Essex now appeared to have the world before her. In order that the lady might not lose her title of Countess, Rochester had, a few weeks previously, been created Earl of Somerset. As far as he was concerned, he showed the good taste not to appear surrounded by any extraordinary pomp. Lady Frances Howard, as she was now again for a short time styled, attracted attention by appearing with her long hair flowing down over her shoulders, a costume which was at that time reserved for virgin brides. The couple were married by the same bishop who had done a similar service to the bride six years previously. All who had to gain anything from the royal bounty pressed round the newly married pair with gifts in their hands. Nottingham and Coke, Lake and Winwood, did not think it beneath them to court the favour of the man who stood between them and their Sovereign. The City of London, the Company of Merchant Adventurers, and the East India Company, were not behindhand. Bacon, who had no liking for Somerset or the Howards, did as others, and prepared a masque to celebrate the marriage. He declared that, although it would cost him no less a sum than 2,000*l.*, he would allow no one to share the burden with him.[1] A day or two after the marriage, the King sent for the Lord Mayor, and intimated to him that it was expected that he should provide an entertainment for Lord and Lady Somerset. The Lord Mayor, however, desired to be excused from entertaining the large company which might be expected to come in their train. He accordingly pleaded that his house was too small for the purpose. He was told that, at all events, the City Halls were large enough. He accordingly appealed to the Aldermen, who consented to take the burden off his shoulders, and directed that the preparations should be made in Merchant Taylors' Hall. It was arranged that the guests should make

Dec. 26. Marriage of the favourite.

Rochester created Earl of Somerset.

Gifts presented at the wedding.

Entertainment at Merchant Taylors' Hall.

[1] *Letters and Life*, iv. 394.

their way in procession from Westminster to the City, the gentlemen on horseback and the ladies in their coaches.

The bride was, naturally enough, anxious to appear on such an occasion in all due splendour. Her coach was sufficiently magnificent to attract attention, but, unluckily, she had no horses good enough for her purpose. In this difficulty she sent to Winwood, to borrow his. Winwood immediately answered, that it was not fit for so great a lady to use anything borrowed, and begged that she would accept the horses as a present.[1]

When we remember what Lady Somerset was, there is something revolting to our feelings in the attentions which she received from all quarters. Yet it must not be forgotten that, if many of those who took part in these congratulations believed her to be an adulteress, there was not one of them who even suspected her of being a murderess. Yet it was well for the credit of human nature that one man should be found who would refuse resolutely to worship the idol. Whilst, in the persons of Coke, of Bacon, and of Winwood, the most learned lawyer, the deepest thinker, and the most honest official statesman of the age, combined with deans and bishops to do her homage, Abbot stood resolutely aloof. He appeared, indeed, in the chapel at the time of the marriage, but he refused to take any part in authorising what he considered to be an adulterous union. If conscience retained any sway over the heart of the giddy young bride, she must have been awed by the stern features of the man who was regarding her with no friendly eyes. To us, who know what the future history of England was, there is something ominous in this scene. It was, as it were, the spirit of Calvinism which had taken up its abode in that silent monitor; the one power in England which could resist the seductions of the Court, and which was capable of rebuking, at any cost, the immorality of the great. Abbot was not a large-minded man, but on that day he stood in a position which placed him far above all the genius and the grandeur around him.

Conduct of the courtiers.

Silent protest of the Archbishop.

[1] Chamberlain to Lady Carleton, Dec. 30. Chamberlain to Carleton, Jan. 5, *Court and Times*, i. 284, 287.

As yet Lady Somerset had no thought of sorrow. Two years of dissipation and of enjoyment were to be hers; and then the final catastrophe was to come, with all its irretrievable ruin. For the present, not a shadow crossed her path. Her husband was at the height of his power. Exercising more than the influence of a Secretary, without the name, he shared in all the thoughts and schemes of the King. Nor was there any want of means for keeping up the dignity and splendour of his position; there was no need now to ask the King for grants of land or of ready money; every suitor who had a petition to present must pay tribute to Somerset if he hoped to obtain a favourable reply. What he gained in this way was never known. But it was calculated that, though his ostensible revenue was by no means large, he had spent no less than 90,000*l.* in twelve months. It is true that he never received a bribe without previously obtaining the sanction of James, but if this makes his own conduct less blameworthy, it increases the dishonour of the King.[1]

Somerset's wealth and influence.

With this example of James's infelicity in the selection of his companions, it was difficult for him to obtain credit in the eyes of the world when he stepped forward as a moral reformer. Yet there can be little doubt that he was in earnest in his desire to combat the evils of the time, especially when they took the shape of sins to which he was himself a stranger. Such was the case with the increasing prevalence of duels. The death of Lord Bruce of Kinloss, who had lately succeeded to the title of his father, the late Master of the Rolls, and who was slain in a duel with Sir Edward Sackville, the brother of the Earl of Dorset, brought the subject more immediately before the notice of the King. He exerted himself successfully to stop a threatened combat between the Earl of Essex and Lord Henry Howard, the third son of the Earl of Suffolk, arising out of the ill-will which prevailed between the two families in consequence of the divorce of Lady Essex. A proclamation was issued to put a stop to duels for the future. Bacon was employed to prosecute in the Star Chamber two

Prevalence of duelling.

1614. Jan. 26. Star Chamber decree against it.

[1] Sarmiento to Lerma, Dec. 26, 1615, *Simancas MSS.* 2594, fol. 94.

persons who were intending to engage in single combat, and he declared that similar proceedings would be taken against all who, in any way whatever, committed any act which was connected with the giving or receiving a challenge.[1]

It was little that could be done by proclamations and prosecutions to put a stop to an evil which was rooted in opinion. The sense of honour which made men duellists would only give way before a larger conception of the duty of self-sacrifice in the public service, and this conception had little place in James's court. In the outer world it was strong and flourishing. There is something in a city community, when the city has not attained to an overwhelming size, which fosters the growth of local patriotism, and it is easy to understand why, in true liberality of spirit, the merchants of the City outshone the Northamptons and Somersets of Whitehall.

Such a merchant was Thomas Sutton, one of that class of moneyed men which had risen into importance with the rising prosperity of the country, and which was already claiming a position of its own by the side of the old county families of England. He had no children to whom to leave his accumulated stores, and consequently his property was looked upon with longing eyes by all who could urge any claim to succeed to a portion of it at his death. An attempt had even been made to induce him to name Prince Charles as his heir, whilst the Prince was still a younger son, to whom an estate worth at least 6,000*l.* a year would be no unwelcome gift. To this proposal Sutton refused steadily to listen. He was more inclined to pay attention to those who, like Joseph Hall, successively Bishop of Exeter and Norwich, invited him to devote his money to some pious or charitable object. After some consideration he determined to erect a school, and a hospital for old and decayed gentlemen, at Hallingbury in Essex, and in 1610, he obtained an Act of Parliament giving him the powers requisite to enable him to carry out his intentions.

1610. Sutton's Hospital.

In the year after the passing of the Act, however, Sutton

[1] *Letters and Life*, iv. 395.

purchased from the Earl of Suffolk the buildings of the old Carthusian monastery near Smithfield, then, as now, commonly known as the Charter House, and obtained letters patent authorising him to transfer the institution to that site. A few months later he died, in December 1611, leaving a will in which he directed others to complete the work which he had begun.

1611. The Charter House bought.

Scarcely was he in his grave when it was known that the heir-at-law had resolved to dispute the will. Strangely, as it seems to us, the claimant was summoned before the Council and compelled to bind himself in the event of success 'to stand to the King's award and arbitrament.' Upon this Bacon drew up an able paper of advice to the King, suggesting various ways in which, if the judges decided against the will, he might dispose of the bequest more usefully than the testator had proposed to do. In 1613, however, the will was declared to be valid, and Sutton's intentions were accordingly carried out. After the trial was over, the executors took care to retain the good-will of James by presenting him with 10,000*l.*, under the pretence that they gave it to reimburse him for his expenses in building a bridge over the Tweed at Berwick, and that they were in this way carrying out the intentions of Sutton, who had left a large sum to be employed upon objects of general utility.[1]

1612. The validity of Sutton's will questioned.

1613. The will held to be valid.

There might be differences of opinion as to the best way of employing a bequest left for charitable purposes. There could be no difference of opinion on the necessity of supplying London with pure water.

The supply had long been deficient, but, although complaints had been constantly heard, and even an Act of Parliament[2] had been obtained in 1606, authorising the corporation to supply the deficiency by bringing in a stream from the springs at Chadwell and Amwell, no steps had been taken to carry out the designed operations.

1606. The water supply of London.

[1] Herne, *Domus Carthusiana*, 37–95; Bacon's *Letters and Life*, iv. 247.

[2] 3 Jac. I. cap. 18, explained by 4 Jac. I. cap. 12.

Vexed at the sluggishness of his fellow-citizens, Hugh Myddelton stood forward and declared that if no one else would do the work he would take it upon his own shoulders. His proposal was thankfully accepted. He had already paid considerable attention to the subject, as a member of the committees of the House of Commons before whom the recent Acts had been discussed.

The first sod upon the works of the proposed New River was turned on April 21, 1609. With untiring energy Myddelton persevered in the work which he had undertaken, in spite of the opposition of the landowners through whose property the stream was to pass, and who complained that their land was likely to suffer in consequence, by the overflowing of the water. In 1610 his opponents carried their complaints before the House of Commons, and a committee was directed to make a report upon their case as soon as the House reassembled in October. When they met again, the members had more important matters to attend to, and Myddelton's hands were soon set free by the dissolution.

1609. The New River commenced.

Although, however, he had no longer any reason to fear any obstacle which might be thrown in his way by Parliament, the opposition of the landowners was so annoying, and the demands which were made on his purse were, in all probability, increasing so largely in consequence of them, that he determined to make an attempt to interest the King in his project. James, who seldom turned a deaf ear to any scheme which tended to the material welfare of his subjects, consented to take upon himself half the expense of the undertaking, on condition of receiving half the profits. Under the sanction of the royal name the works went rapidly forward, and on Michaelmas Day, 1613, all London was thronging to Islington to celebrate the completion of the undertaking.[1]

[1] Smiles's *Lives of Engineers*, i. 107. It is often said that Myddelton was knighted in reward for his services. This was not the case; he received no honour till he became a baronet, many years later.

CHAPTER XVII.

THE ADDLED PARLIAMENT.

In the very midst of the festivities which accompanied the marriage of the favourite, and which notified to the world the establishment of the Howards in power, James received a warning from which he ought to have learned something of the true character of the men whom he delighted to honour. Digby had not been long at Madrid before he discovered that, with a very little money, it was possible to obtain access to the most cherished secrets of the Spanish Government. In May, 1613, he got into his possession the instructions which the new ambassador, Sarmiento, was to take with him. From these he discovered that the Spanish ambassadors in London had long been in the habit of obtaining intelligence by the same means as those which he was employing in Spain. He gave himself no rest till he had tracked out the whole of the secret. In August, he informed James that a paper was in existence containing the names of all the English pensioners of Spain.[1] For the present, however, he was unable to procure a copy of it. In the beginning of September, he obtained some documents in which the pensioners were referred to, but their names were disguised under fictitious appellations. He thought that he could make out that a pension had been given to Sir William Monson, the admiral in command of the Narrow Seas. There was one name about which there could be no mistake. To his astonishment and horror, that one name was that of the late Lord Treasurer, the

1613. Digby discovers the Spanish pensions.

[1] Digby to the King, Aug. 8, *S. P. Spain.*

Earl of Salisbury. In December, he at last procured the long-desired key to the whole riddle. He was thunderstruck at the names of men whose loyalty had never been suspected, and who occupied the highest posts in the Government, and were in constant attendance upon the person of the King. He hoped, indeed, that some of the persons indicated might have refused to accept the offered bribe, but, even after the utmost allowance had been made, enough remained to fill him with astonishment and disgust.

The secret was of far too high importance to be entrusted to paper. Digby, therefore, at once asked permission to return home on leave of absence, in order that he might acquaint the King, by word of mouth, with the discoveries which he had made. The request was, of course, granted, and in the spring he set out to carry the important intelligence to England. James learnt that Northampton and Lady Suffolk were in the pay of Spain, though Somerset appears to have kept himself clear.[1]

1614. He obtains leave to return to England with this information.

What James's feelings were on the receipt of this startling intelligence we have no means of knowing, as his answers to Digby's despatches have not been preserved. We may, however, be sure that he neglected to draw the only inference from the terrible tidings which could alone have saved him from further disgrace. In fact, such revelations as these are the warnings which are invariably given to every Government which separates itself from the feelings and intelligence of the nation which it is called to guide. Was it wonderful that a Sovereign who stood aloof from the independent national life around him, should be surrounded by men who had accepted office rather in the hope of obtaining wealth and honour for themselves than from any wish to devote themselves heart and soul to the service of their country? When selfishness, however much it might be disguised even from himself, was the ruling principle with the King, it could not be long before it showed itself in his ministers.

Warning given to James by these revelations.

[1] Digby to the King, Aug. 8, Dec. 24, *S. P. Spain.* Compare Vol. I. p. 214.

1613. Somerset more completely trusted.

The lesson which James drew from the intelligence which he received was precisely the opposite of that which it ought to have taught him. Instead of becoming less exclusive in his friendships, it made him more exclusive. When the first vague knowledge of the existence of corruption amongst those whom he trusted reached him in the autumn, he made the members of the Privy Council feel that the conduct of affairs was less than ever left in their hands. They were still allowed to discuss public business, but upon all points of importance James reserved his decision till he had had an opportunity of talking them over with his young Scottish favourite.[1] When the final revelation reached him, probably early in January 1614, the fact that Somerset's name did not appear in the list of Spanish pensioners must have inclined the King to repose even still greater confidence in him, in proportion as his trust in Northampton was shaken.

James, indeed, was much mistaken if he supposed that Somerset was ready to devote himself entirely to the service of his too confiding master. His weak brain was turned by his rapid elevation, and the calculated subservience of Northampton flattered his vanity. He became a mere tool of the Howards. As such he was anxious to forward an intimate alliance with Spain, and to enter into close relations with Sarmiento, the new Spanish ambassador. Sarmiento had come to England with the express object of winning James over from his alliance with France and the Protestant powers.

Sarmiento as ambassador in England.

For the service upon which he was sent it would have been impossible to find a fitter person. It is true that it would be absurd to speak of Sarmiento as a man of genius, or even as a deep and far-sighted politician. He was altogether deficient in the essential element of permanent success—the power of seeing things of pre-eminent importance as they really are. During his long residence amongst the English people, and with his unrivalled oppor-

[1] "The Viscount Rochester, at the council table, showeth much temper and modesty, without seeming to press or sway anything, but afterwards the King resolveth all business with him alone." Sarmiento's despatch sent home by Digby, Sept 22, 1613, *S. P. Spain.*

tunities for studying their character, he never could comprehend for a moment that English Protestantism had any deeper root than in the personal predilections of the King. But if the idea of converting the English nation by means of a court intrigue had ever been anything more than an utter delusion, Sarmiento would have been the man to carry it into execution. For he cherished in his heart that unbending conviction of the justice of his cause, without which nothing great can ever be accomplished. He thoroughly believed, not merely that the system of the Roman Church was true, but that it was so evidently true that no one who was not either a knave or a fool could dispute it for an instant. He believed no less thoroughly that his own sovereign was the greatest and most powerful monarch upon earth, whose friendship would be a tower of strength to such of the lesser potentates as might be willing to take refuge under his protecting care. Nor did it ever interfere with the serenity of his conviction, that he was from time to time made aware of facts which to ordinary eyes would appear to be evidence that the strength of Spain was greater in appearance than in reality. He passed them by when they were thrust upon his notice with the simple suggestion that, if anything had gone wrong, it was no doubt because his Majesty had neglected to give the necessary orders. It was this assumption of superiority which formed the strength of his diplomacy. All were inclined to give way to one who rated himself so highly. There are passages in his despatches which might have been penned by the Roman who drew the circle round the throne of the Eastern king, forbidding him to leave it till he had conformed to the orders of the Senate. There are other passages which remind us forcibly of Caleb Balderstone shutting his eyes, and doing his best to make others shut their eyes, to the evidences of the decline of his master's fortunes.

His diplomatic qualities.

In addition to this abounding confidence in himself and in his mission, Sarmiento was possessed of all those qualities which are the envy of ordinary diplomatists. He had that knowledge of character which told him instinctively what, on every occasion, it was best to say, and what was better left unsaid. His prompt, ready tongue was always

under control. No man at Court could pay a more refined compliment, could jest with greater ease, or could join with greater dignity in serious conversation. Such a man was, above all others, qualified to make an impression upon James. His conversational powers were sure to prove attractive to one who was so fond of chatting over all kinds of subjects, and his imperturbable firmness would go far to win the confidence of the vacillating king.

Sarmiento was able, too, to appeal to the better side of James's character, his love of peace. A war with Spain would have been popular in England, and in the Council, since Salisbury's death, it would have had the eager support of Ellesmere and of Abbot. But there was too much of the old buccaneering spirit in the cry for war to enlist our sympathies in favour of those from whom it proceeded,[1] and it is undeniable that James's strong feeling against a war commenced for purposes of plunder, or for the sake of gratifying sectarian animosity, was of the greatest service to the nation.

In point of fact, whatever may have been the errors of which James was guilty, there can be no doubt that the dominant idea of his foreign policy was true and just. "Blessed are the peace-makers," was the motto which he had chosen for himself, and from the day of his accession to the English

[1] Lord Hay, who was present at the scene he described, told Sarmiento that "un dia, hecha ya la liga de los Protestantes de Alemaña y Francia con este Rey, el Principe muerto y el Salberi le apretáron para que rompiese la guerra con V. Mag^{d}., dandole para esto algunas trazas y razones de conveniencia, y el Salberi concluya la platica con que, rota la guerra, ó este Rey seria Señor de las Indias ó de las flotas que fuesen y viniesen, y que por lo menos no podria ninguna entrar ni salir de Sevilla sin pelear con la armada Inglesa : y que lo que se aventurará á ganar era mucho, y á perder no nada." The king replied that, as a Christian, he could not break the treaty. Salisbury said it had already been broken by Spain a hundred times. James said that might justify a defensive, but not an offensive war. Salisbury's reply was, that if he made everything a matter of conscience, he had better go to his bishops for advice, which made James very angry. Hay added, that from that day Salisbury began to fall into disgrace, and that Prince Henry began to speak of his father with disrespect.—Sarmiento to Philip III., Nov. $\frac{6}{16}$, 1613. *Simancas MSS.* Est. 2590.

throne he strove, not always wisely, but always persistently, to maintain the peace of Europe. His abhorrence of violence and aggression was the most honourable trait in his character. It might be doubted whether he would not stand in need of more than this to steer his way through the storms which were even then muttering in the distance, but for the present, at least, he was in the right path. He had expressly assured the German Protestants that his assistance was only to be reckoned upon if they abstained from all aggression. If he had done no more than to desire to live in friendship with Spain, and to gain such influence over the Spanish Government as would have enabled him to preserve peace upon the Continent, he would have deserved the thanks of posterity, even if he had seemed craven and pusillanimous to his own generation.

James inclined to peace.

If Sarmiento had studied the character of James during a lifelong intimacy, he could not have contrived anything better calculated to make an ineffaceable impression upon his mind than the line of conduct which he adopted in an affair which chance threw in his way not many weeks after his arrival in England. There was a certain lady, Donna Luisa de Carvajal, who had for more than eight years been living in the house in the Barbican, which had been occupied in turn by the Spanish ambassadors. To zealous Protestants her mere presence without any assignable reason was objectionable. She had sacrificed a good estate to found a college in Flanders for the education of English youths in her own religion, and she had settled in England with the express intention of persuading everyone who came within her reach to forsake the paths of heresy. She had been a frequent visitor of the priests shut up in prison, and had made herself notorious by the attentions which she had paid to the traitors who had taken part in the Gunpowder Plot. She had herself been imprisoned for a short time in 1608, for attempting to convert a shop-boy in Cheapside, and for denying the legitimacy of Queen Elizabeth's birth.[1] It was well known that she

Affair of Donna Luisa de Carvajal.

[1] I owe my information on this imprisonment of Donna Luisa, and on the college she founded in Flanders, to the kindness of the late Sir Edmund

kept a large retinue of English servants, and it was rumoured that her household was nothing less than a nunnery in disguise. Abbot especially had his eye upon her. One day he heard that she had left the embassy, and had gone for change of air to a house in Spitalfields. He immediately obtained from the Council an order for her arrest, and had her sent to Lambeth, to be kept in confinement under his own roof. Sarmiento, as soon as he heard what had been done, directed his wife to go immediately to Lambeth, and ordered her to remain with the lady till she was liberated. Having thus provided that at least a shadow of his protection should be extended over her, he went at once before the Council, and demanded her release. Failing to obtain redress, he sent one of his secretaries, late as it was in the evening, with a letter to the King. James, hearing a stir in the ante-chamber, came out to see what was going on. As soon as he had read the letter, he told the secretary that ever since Donna Luisa had been in England, she had been busy in converting his subjects to a religion which taught them to refuse obedience to a King whose creed differed from their own. She had even attempted to set up a nunnery in his dominions. If an Englishman had played such tricks at Madrid, he would soon have found his way into the Inquisition, with every prospect of ending his life at the stake. He was, however, disposed to be merciful, and would give orders for the immediate release of the lady, on condition of her engaging to leave England without delay.

Her imprisonment.

The next morning a formal message was brought to Sarmiento, repeating the proposal which had thus been made. There are probably few men who, if they had been in Sarmiento's place, would not have hesitated a little before rejecting the offer. To refuse the King's terms would be to affront the man upon whom so much depended. Sarmiento did not hesitate for a moment. The

Her release effected by Sarmiento.

Head, who showed me an extract from a letter of Mr. Ticknor's, describing a book in his library, giving an account of the lady's proceedings and printed at Seville immediately after her death, which took place in Sarmiento's house in January, 1614.

lady, he said, had done no wrong. If the King wished it, she would no doubt be ready to leave England at the shortest notice. But it must be clearly understood that in that case he, as the ambassador of his Catholic Majesty, would leave England at the same time. The answer produced an immediate effect. That very evening Donna Luisa was set at liberty, and Sarmiento was informed that her liberation was entirely unconditional.[1]

Effect of his conduct on the King's mind.

There is nothing in Sarmiento's account of the matter which would lead us to suppose that he acted from any deep design. But it is certain that the most consummate skill could not have served him better. From henceforth the two men knew each other; and when the time arrived in which James would be looking round him for the support of a stronger arm than his own, he would bethink him of the Spanish stranger in whom he had so unexpectedly found a master.

Sarmiento's continued inaction.

Sarmiento was not the man to be elated by success. He knew well that over-eagerness on his part would be fatal to his hopes of being able ultimately to divert James from the French alliance. He could afford to wait till an opportunity occurred in which he might assume for Philip the character of a disinterested friend, and might thereby be enabled to throw his net with greater skill. He had good friends at Court, who kept him well informed, and he was aware that, for the time at least, James had set his heart upon marrying his surviving son to a sister of the young King of France, and that not only had Edmondes long been busy at Paris discussing the terms on which the French Government would consent to give the Princess Christina to Prince Charles,[2] but that in the beginning of November the negotiations were so far advanced that the marriage was considered in France to be all but actually concluded.[3] Nor was the Spanish Ambassador

[1] Sarmiento to Philip III., Nov. $\frac{6}{16}$, *Simancas MSS.* 2590. fol. 8. Sarmiento to Northampton (?). Sarmiento to the King, Oct. $\frac{19}{29}$, 1613. *S. P. Spain.*

[2] Edmondes to the King, Jan. 9, July 29, Nov. 24, 1613, *S. P. France.*

[3] Sarmiento to Philip III., Nov. $\frac{6}{16}$, *Simancas MSS.* 2590, fol. 12.

ignorant that in this desire James was encouraged not only by the moderate English Protestants, but also by his Scotch favourites, whose national predilection led them, as it had so often led their ancestors, to look with favour upon an alliance with France.

The pensioners of Spain.

Those who have derived their ideas of Sarmiento from the idle stories which were a few years later so readily accepted by the credulous multitude, and which have found their way into every history of the reign, will no doubt imagine that he was occupied during this period of inaction in winning over to his side, with offers of pensions and rewards, all whose influence might hereafter be of use to him. The truth is that no ambassador of the day was so little disposed to profusion as Sarmiento. The tales of the floods of Spanish gold which were popularly supposed to be flowing at regular intervals into the pockets of every Englishman worth buying, if not quite as imaginary as the stories of Pitt's English gold, which still find their place in French histories of the Great Revolution, have but slight support in actually existing facts. When Sarmiento arrived in England, there were only four survivors out of the seven who had been placed upon the pension list shortly after the signature of the Peace of London.[1] These four, the Earl of Northampton and Lady Suffolk, Sir William Monson, the admiral of the narrow seas, and Mrs. Drummond, the first lady of the bedchamber to the Queen, continued, as a matter of course, to draw their annual stipends. But Sarmiento as yet made no proposal for increasing their number. He no doubt knew perfectly well that if he could gain the King he had gained everything, and that, excepting in some special cases, as long as he could find his way to the ear of James, the assistance of venal courtiers would be perfectly worthless. The good offices of the Catholics and of those who were anxious to become Catholics, were secured to him already.

The Queen.

Amongst those of whose assistance he never doubted was the Queen. The influence which Anne exercised over her husband was not great, but whatever it was she was sure to use it on behalf of Spain. Mrs. Drummond,

[1] See Vol. I. p. 214.

in whom she placed all her confidence, was a fervent Catholic, and from her, whilst she was still in Scotland, she had learned to value the doctrines and principles of the Church of Rome She did not indeed make open profession of her faith. She still accompanied her husband to the services of the Church of England, and listened with all outward show of reverence to the sermons which were preached in the Chapel Royal. But she never could now be induced to partake of the communion at the hands of a Protestant minister, and those who were admitted to her privacy in Denmark House [1] knew well that, as often as she thought she could escape observation, the Queen of England was in the habit of repairing to a garret, for the purpose of hearing mass from the lips of a Catholic priest, who was smuggled in for the purpose.[2]

The Earl of Somerset.

Ready as the Queen was to do everything in her power to help forward the conversion of her son and his marriage with a Spanish princess, her assistance would be of far less value than that of Somerset. It is not likely that Somerset cared much whether his future queen was to be a daughter of the King of Spain or a sister of the King of France. But his insolent demeanour had involved him in a quarrel with Lennox and Hay, the consistent advocates of the French alliance, and under Northampton's influence he had suddenly become a warm advocate of the marriage with a daughter of the Duke of Savoy, which had been adopted by the partizans of Spain, as soon as they saw that an apparently insuperable obstacle had been raised in the way of the match with the Infanta, by Philip's declaration that it was impossible for him to give a Spanish princess to a Protestant.

1614. Cottington's visit to Sarmiento.

At the time of Somerset's marriage, Sarmiento followed the fashion, and presented both the bride and the bridegroom with a wedding present. But no peculiar intimacy had as yet sprung up between them, and indeed,

[1] This was the name given to Somerset House during her residence there.

[2] Sarmiento to Philip III., $\frac{\text{Aug. } 27}{\text{Sept. } 6}$, 1613. Minutes of Sarmiento's Despatches, June $\frac{20}{30}$ $\frac{\text{June } 22, 23, 24}{\text{July } 2, 3, 4}$, 1614. *Simancas MSS.* 2590, fol. 6, 2518, fol. 1.

it was not till after he had obtained permission from the King that Somerset consented to accept the jewels, of which the ambassador's gift consisted.[1] Sarmiento was, therefore, a few weeks after the marriage, somewhat surprised to receive a visit from Cottington, who announced to him that he had been charged with a message from the favourite. Somerset, he said, was anxious to put a stop to the negotiations with France, and in this he was acting in concert with Lake, who was at the time the candidate of the Howards for the secretaryship which had been vacant ever since Salisbury's death. Cottington added that he was commissioned to request the ambassador to seek an audience of the King, and urge him by every argument in his power to have nothing further to do with the French Court.

Sarmiento's prudence.

Sarmiento was highly delighted at the overture. It seemed, he wrote home a few days afterwards, as if God had opened a way before him. But he was far too prudent to comply with Somerset's request. He knew that, if he thrust himself prematurely forward, his words would be regarded with suspicion; and that no one would believe that anything that he might now say would not be repudiated at Madrid as soon as it had served its purpose. It was not from him that any open attack upon the French alliance could safely come. He accordingly assured Cottington that he was always ready to listen to advice from such a quarter, but that he could not help thinking that the step proposed would be premature. A few weeks later Somerset made another attempt to drag the cautious ambassador on to over-hasty action. It was all in vain. His suggestions were received with becoming deference. Nothing could be more polite than Sarmiento's language. But the compliments in which he was so profuse always ended in a refusal to compromise his master's cause by the slightest appearance of eagerness to seize the prey.[2]

Sarmiento may have been the more cautious because, on

[1] Accounts of the Spanish Embassy, Feb. $\frac{2}{12}$, 1614. Sarmiento to Philip III., May $\frac{2}{12}$, 1616. *Simancas MSS.* 2514, fol. 15, 2595, fol. 77. The Earl's jewel was worth about 200*l.*; the Countess's rather less.

[2] Sarmiento to Philip III., Jan. $\frac{15}{25}$, Feb. $\frac{2}{12}$, 1614. *Simancas MSS.* 2592, fol. 1, 16.

one point of capital importance, his friends had been unable to maintain their ground. The proposal to summon Parliament had long been resisted by Northampton. In September, when the question was debated in the Council, he had told the King that to do so would only be to call together an assembly of his enemies,[1] and James assured him, after the conclusion of the discussion, that he believed that he was in the right. On February 5, James acquainted the Council with the condition of the negotiation with France, and on the 16th he asked its opinion whether he should summon Parliament. The two subjects were understood to be closely connected with one another, and to involve a rejection of that good understanding with Spain which was desired by Northampton and his supporters. The majority of the Council, however, did not side with Northampton, and the answer of the Board was that they had taken the King's question into consideration, and that they were of opinion that the only course to be pursued was the summoning of Parliament.[2]

James decides upon summoning a Parliament.

It was high time. In spite of the enormous sales of land, it had been found impossible to obtain money enough to defray the necessary expenses of the Government. The garrisons in the cautionary towns in Holland were ready to mutiny for their pay. The ambassadors were crying out for their salaries and allowances. The sailors who manned the navy were unpaid, and the fortifications by which the coast was guarded were in urgent need of repair.[3] Lord Harrington, who had a claim upon the King for 30,000*l.*, which he had spent upon the establishment of the Princess, was put off with a patent giving him a monopoly of the copper coinage of the country. In every department there was a long list of arrears which there were no means of satisfying, and which amounted on the whole to 488,000*l.* To repay the money borrowed upon Privy Seals 125,000*l.* would be needed, and the 67,000*l.* which had been levied by anticipation from the revenues properly

Amount of the debt.

[1] Digby to the King, Sept. 22, 1613, *S. P. Sp.* Sarmiento to Philip III. Feb. $\frac{5,\ 7,}{15,\ 17,}$ *Simancas MSS.* 2592, fol. 17, 27.

[2] Council to the King, Feb. 16, *S. P. Dom.* lxxvi. 22.

[3] Speeches of Winwood and Cæsar, *C. J.* i. 461, 462.

belonging to the following year, must in some way or other be made good. Altogether, the King's liabilities now amounted to 680,000*l.*[1] to say nothing of a standing deficit which, after including the extraordinary expenditure, was certain to exceed 200,000*l.* a year.

Before the resolution to summon Parliament had been taken, the Government had before it a list of the concessions proposed by Neville to be made. Partly from this, and partly from other sources, a list of Bills was drawn up to be offered to the new Parliament.[2] Undoubtedly if even a quarter of those bills had become law, that Parliament would have been noted for its useful legislation. But it would have acquired its reputation by the abandonment of all interest in those higher questions which, once mooted, can never drop out of sight. Not a word was suggested by the Government of any solution of the vexed question of impositions, or of the still more vexed question of the ecclesiastical settlement.

Proposed legislation.

Whether Neville was hampered by his knowledge that the King had resolved to stand firm on these two points it is impossible to say. It must have required a very sanguine temperament to expect that the elections would produce an assemblage likely to content itself with being a mere Parliament of affairs, that last vain hope of statesmen who wish to turn aside from the problems before them, because they find it impossible to solve them to their own satisfaction.

For the first time within the memory of man, the country was subjected to the turmoil of a general election in which a great question of principle was at stake. Under these circumstances, the ministers of the Crown were induced to take steps to procure a favourable majority, to which they had thought it unnecessary to resort ten years previously. How far they went it is difficult to say, with the scanty information which we possess. Neville, indeed, had offered to undertake, on behalf of the future House of Commons, that if the King would concede all the chief points in dispute, the House would not be niggardly in granting the

A contested election.

The Undertakers.

[1] *Lansd. MSS.* 165, fol. 257. The statement is dated May 2.

[2] Bacon's *Letters and Life*, v. 14.

supplies which he required. It seems, however, that there were some who went beyond this very safe assertion, and who were allured by promises of Court favour to engage to do what they could to obtain the return of members who were likely to favour the prerogative. Whoever they may have been, they were certainly not men of any great importance, and it is not probable that they offered to do more than to influence a few elections here and there.[1]

Unimportant as the whole affair was, the Government injured its own chances of success by meddling with such intrigues. Rumour magnified the matter into a conspiracy to procure a whole Parliament of nominees. The Undertakers, as they were termed in the phraseology of the day, had dared to speak in the name of the whole Commons of England. It was not long before the most discouraging reports reached the Council of the reception which the Government candidates were everywhere meeting with.[2] It was in vain that lords

[1] Compare Bacon's estimate of them, in his letter just quoted, with the following extract of a letter from Suffolk to Somerset, written about the end of March: "The last night, Pembroke came to me in the garden, speaking in broken phrases, that he could not tell what would come of this Parliament, because he found by the consultation last day that my lords had no great conceit that there would be any great good effected for our master: divers of my lords having spoken with many wise Parliament men, who do generally decline from the Undertakers, only Pembroke and myself were the hopeful believers of good success, two or three petty Councillors more seemed to be indifferently conceited, but so as my Lord of Pembroke is much unsatisfied that they are no more confident in his friends. . . . We are appointed to meet again on Saturday. Pembroke and I have undertaken to bring to my lords the demands that will be asked of the King this Parliament, and that they shall be moderate for the King, and yet pleasing to them. Which we affirm to my lords we conceive will be attractive inducements to get the good we look for, and what this shall work at our next meeting you shall know as soon as it is past. But I must make you laugh to tell you that my Lord Privy Seal soberly says to me, 'My Lord, you incline before the Council too much to these Undertakers.' This troubles me nothing, for if we may do our master the service we wish by our dissembling, I am well contented to play the knave a little with them, which you must give me dispensation for following your direction."—*Cott. MSS.* Tit. F. iv. fol. 335.

[2] Lake to ——, Feb. 19, Nichols' *Progresses*, ii. 755. Chamberlain

and great men wrote to every borough and county where they had any influence. Constituencies which had never before raised an objection to the persons who had been pointed out to them, now declared their determination to send to Westminster men of their own selection. It frequently happened that the Court candidates were flatly told that no votes would be given to any man who was in the King's service. The pressure which was put upon the electors, whilst it failed in the object for which it was intended, only served to strengthen the belief that an attempt had been made to pack the Parliament. So strong was the feeling against the Government in the city of London, that although Sir Henry Montague, who had represented the city in the last Parliament, and who had served as Recorder for many years, was again returned, in compliance with the custom which prescribed that the Recorder of the city should be one of its representatives, yet Fuller, the strenuous asserter of the principles of the popular and Puritan party, was elected without difficulty. Not one of the men who had distinguished themselves on the popular side during the debates in 1610 was without a seat. Sandys and Hakewill, Whitelocke and Wentworth, were all there, once more to defend the liberties of England. The scanty ranks of the defenders of the prerogative were headed as before by Bacon and Cæsar ; and the four candidates for the Secretaryship, Neville and Winwood, Wotton and Lake, were all successful in obtaining seats. One of the most remarkable features of the new House was the number of those who appeared for the first time within the walls of Parliament. Three hundred members, making nearly two-thirds of the whole assembly, were elected for the first time. The fact admits of an easy explanation : the constituencies in their present temper would be on the look-out for men who represented the determined spirit of the nation even more strongly than the members of the late Parliament had done. Amongst those who were thus elected were two men who were to set their mark upon the history of their country. Sir Thomas Wentworth, a young man of twenty-one, and heir to a princely

The elections are unfavourable to the Government.

to Carleton, March 3, March 17, *Court and Times*, 300, 235. The last letter is misplaced.

estate in Yorkshire, represented the great county of the north; John Eliot, a Devonshire country gentleman, nine years older than Wentworth, was sent to the House of Commons by the little borough of St. Germans. We may be sure that neither Wentworth nor Eliot were unobservant spectators of the events of the session; but, as far as our information extends, neither of them took any part in the debates.[1]

The unfavourable character of the elections made it more than ever necessary that a Secretary should be chosen who could speak with authority in the name of the Government, and who could make use of any influence which he might possess as a member of the House of Commons to frustrate the expected opposition. As late as September in the preceding year Neville was still confident of success.[2] But he had great difficulties to contend with. The Howards had no cause to be satisfied with him, as he had never taken care to conceal his dislike of the divorce. Northampton, besides, had reason to look askance upon him, as he suspected him of having some connection with the scheme by which Mansell had hoped to overthrow the Commission for the Reformation of the Navy, in which Northampton took a peculiar interest.[3] Above all, the King never could forget the part which he had taken in the last Parliament, and the plain words in which he had set forth the grievances of the Commons. In October, Neville discovered that his hopes were destined to be disappointed. It was generally believed that the favourite would continue to act in that confidential capacity to the King in which he had hitherto been employed, and that Lake, as the nominee of the Howards, would be admitted to perform the subordinate duties of the Secretaryship.[4] In order to console Neville for his disappointment, Somerset[5] proposed to purchase

1613. Necessity of choosing a Secretary.

[1] The only known list of this Parliament is that printed from the Kimbolton MSS. in the *Palatine Note Book*, vol. iii. No. 30.

[2] Chamberlain to Carleton, Sept. 9, 1613, *Court and Times*, i. 271.

[3] Whitelocke, *Liber Famelicus*, 46.

[4] Chamberlain to Carleton, *Court and Times*, i. 277.

[5] He was still only Rochester, but it is perhaps better to avoid confusion by giving the title by which he was known in 1614.

for him the office of Treasurer of the Chamber. Neville, at once replied, that he would take neither money, nor anything bought for money, at the hands of a subject, and gave him to understand that, though he was ready to act as Secretary, he would not put up with any lower place.

In February hopes of success were given him once more. It was intimated to him by Suffolk that he was selected for the appointment; but that, as the King was still displeased with him for his conduct in the former Parliament, he must expiate his misdemeanours before he could hope to be promoted.[1] If this was anything more than a mere trick on the part of Suffolk, to secure his services during the session, either James must soon have changed his mind, or Neville must have refused to make the required submission. On March 29, Winwood took the oaths as Secretary. Lake, as some compensation for his disappointment, was admitted to the Privy Council on the same day.[2]

1614.

Appointment of Winwood.

Winwood's whole heart was in the opposition to Spain and the Catholic powers. It was by him that all those treaties had been negotiated which bound England to support the Dutch Republic and the Princes of the German Union against the House of Austria. In the Council he would be sure to side with Abbot and Ellesmere in denouncing the entanglements of a Spanish policy. In some respects, indeed, he was far less fitted than his friend Neville to act as leader of the House. He had, with the exception of occasional visits, been absent from England for many years, and he was hardly aware how completely the feeling of his countrymen had changed since the death of Elizabeth. Nor had his position at the Hague tended to soften down the asperities of his somewhat unconciliatory temper. He was also at the further disadvantage of being altogether untried in Parliamentary life, and of being destitute of that peculiar experience which is a necessity to those who attempt to guide the deliberations of a

His qualifications for the post.

[1] Suffolk to Somerset, *Cott. MSS.* Tit. F. iv. fol. 335.

[2] It was said that the Dutch, hoping much from the appointment, gave 7,000*l.* to Somerset to obtain it. Sarmiento to Lerma, Dec. $\frac{16}{26}$, *Simancas MSS.* 2594, fol. 94.

large public assembly. It was probably this very circumstance which recommended him to James. His appointment must have, in some respects, been of the nature of a compromise. His name brought with it no reminiscences of Parliamentary opposition, nor did it revive the remembrance of the time when Somerset and the Howards were at deadly feud, and when Neville and Lake were the rival candidates, supported by the two parties who were struggling for power.

Winwood's position was not to be envied. He had to induce a hostile House of Commons to grant supplies, at the same time that he would have to refuse those concessions upon which their hearts were set. It was not long before he had to make his first essay in the art of guiding the House. The session was opened on April 5 by a speech from the King. Bacon had indeed suggested to James the lines upon which he would have had the King's opening speech constructed. But though James, to a certain extent, followed the advice given, he could not help showing his eagerness for a money grant more openly than a third person would have done. He told the Houses that he called them together for three reasons: he was anxious that, by their support, religion might be maintained, the future succession to the Crown provided for, and his necessities relieved by the grant of a supply. He commended to their consideration the increase of Popery, which was spreading in spite of the exertions which he had used to combat it both with his tongue and with his pen. He had no wish for any more rigorous laws against recusancy, but he hoped that some means might be contrived for executing more strictly those which were already in existence. He then referred to the events which had taken place in his own family since he had last met his Parliament. God had taken his eldest son from him, but He had just given him a grandson in his place, and he looked to Parliament to settle the succession, in case of the failure of heirs through Prince Charles, upon this child and the other children who might be born to the Electress. He had chosen a husband for his daughter out of a Protestant family, in order that, if his own

The King's speech at the opening of the session.

April 5.

He speaks of the recusants,

of his daughter's marriage,

issue male should fail, the future kings of England might be brought up in the Protestant faith.

Thus far, he must have carried with him the sympathies of every man amongst his audience. He now entered upon more dangerous ground. The extraordinary charges connected with the marriage had emptied the Exchequer, and there were other expenses which pressed heavily upon him. He would, however, speak plainly to them. He would not bargain with them for their money. He would see what they would do in their love. He had shown them that he relied upon their affection, by having recourse to them rather than to his own prerogative. He must, however, clear himself on one point: it had been rumoured that he relied upon some private Undertakers, 'who, with their own credit and industry, would do great matters.' This he declared to be false: he would rather have the love of his subjects than their money.[1]

and demands supplies.

[1] *Parl. Hist.* 1149. James is generally accused of deceiving his hearers on this point; and it is said that in 1621 he acknowledged that 'in the last Parliament there came up a strange kind of beasts called Undertakers, a name which in my nature I abhor.' In this, however, there is no necessary contradiction with what he said in 1614. There were, no doubt, men in 1614 who were called Undertakers; but the question is, how far the King availed himself of their efforts. We have seen that Bacon and Northampton laughed at the scheme, though there were a few among the Council who encouraged them. We do not know enough about their proceedings to say what it was that they proposed to do, but the rumour appears to have been that they offered to influence the returns to such an extent as to procure a Government majority. Such a rumour was absurd in itself, as James said in his speech of the 8th: "If any had been so foolish as to offer it, yet it had been greater folly in me to have accepted it." No doubt he knew that letters had been sent by the Lords of the Council and others to influence the electors; but he may have held that such letters did not amount to interference with elections. Besides, influence of this kind was used on both sides. The following extract from Whitelocke's *Liber Famelicus* (p. 40) gives an insight into the manner in which elections were conducted:

"I was returned a burgess for the town of Woodstock, in the county of Oxon, where I was recorder, and was elected, notwithstanding the town was hardly pressed for another by the Earl of Montgomery, steward of the manors, and keeper of the house and park there.

"There was returned with me Sir Philip Cary, younger son to Sir

Three days later, James again addressed the Houses. This Parliament, he said, was to be a Parliament of love. The world was to see his own love to his subjects, and the love of his subjects to their King. God was loved for the gift which he gave, and he, who as a King represented God, would begin by offering them a gift, and he expected from them cheerfulness in retribution for his favour. He then went over the heads of his former speech. He again denied that he had attempted to 'hinder or prompt any man in the free election,' and asserted that he had never 'put any confidence in a party Parliament.' He declared that he would begin this Parliament by making offers of concessions which would soon be laid before them. As to their grievances, it would be better that each member should present them on behalf of his own constituency; 'to heap them together in one scroll like an army' would 'but cast aspersion upon' him and his 'government, and' would 'savour more of discontent than of desire for reformation.' He was unwilling to give up any of the honours and flowers of the Crown, but he would not stretch the prerogative further than his predecessors had done. He never intended his proclamations to have the force of law, but he thought that they ought to be obeyed, until Parliament could meet to provide a remedy for the evil in question. He once more denied having made any bargain with the Under-

April 8. The King's second speech.

Edward Cary, master of the jewels. He was nominated in the place by Sir Thomas Spencer, who, being steward of the town, refused to serve himself, but commended that gentleman.

"I was returned burgess also for the borough of Corfe Castle, and that was by the nomination of . . . the Lady Elizabeth Coke. . . I gave her thanks for it, and yielded up the place to her again, and in it was chosen Sir Thomas Tracy.

"My worthy friend, Sir Robert Killigrew, gave me a place for Helstone, in the County of Cornwall, and I caused by brother-in-law, Henry Bulstrode, to be returned for that place."

The fact, probably, was that, whilst the recommendations of the influential landowners were generally in accordance with the feeling of the electors, the recommendations of the Court Lords were not. That James had made a bargain with certain persons to return members favourable to him, has not been proved.

takers, and declared that he relied altogether upon the love of his subjects.

What is most remarkable in this speech is the air of self-satisfaction which pervades the whole of it. James had evidently no idea that anyone besides himself was competent to judge what grievances ought to be redressed, or in what degree his prerogative was injurious to the interests of the nation.

The first question taken up by the House was raised by a member who doubted whether Bacon could take his seat, as there was no precedent for the election of an Attorney-General. The matter was referred to a committee, who were ordered to search for precedents. The House finally decided that Bacon might be allowed to sit, but that for the future no Attorney-General might take his seat in the House. On April 11, Winwood rose to move the grant of supplies, and read over the list of concessions which the King was prepared to make. To ask for supplies so early in the session when no special reason for haste could be alleged, was entirely without precedent, and the course taken by the inexperienced Secretary must have caused considerable surprise. The next day, when the House was about to take up the subject, Myddelton rose and said that Winwood's offers chiefly concerned the country gentlemen, and offered to the House a Bill concerning the Impositions. Other members followed, bringing forward one by one the old list of the ecclesiastical grievances. It was in vain that Winwood rose and spoke at length upon the necessities of the public service, and that he panegyrized the foreign policy of the King; that Cæsar entered into details of the misery which was inflicted upon the debtors of the Crown; and that Bacon appealed to the House to consider the state of the Continent, where war might break out at any moment. The House was unwilling to grant the supply until the rumours relating to the Undertakers had been inquired into.[1]

Question whether the Attorney-General might sit.

A supply demanded.

It is postponed.

The grievances referred to a committee.

A few days later Sandys moved that the grievances which had been presented to the last Parliament should be referred to the Committee on Petitions. It had already become evident that the House would not

[1] *C. J.* i. 456–463.

be satisfied with the instalment of redress which had been offered them by the King, and that James would hardly obtain supplies from this Parliament unless he were ready to face the deeper questions at issue. Yet even in the improbable event of his consenting to give way on these, his concession would lose all its grace by being delayed till after the attitude of the Commons had become known.

The House receive the Communion.

On April 17, the whole House received the Communion together. They chose St. Margaret's, the church of the parish in which they were sitting, in preference to Westminster Abbey, 'for fear of copes and wafer-cakes.' [1] It is from this day that the peculiar connection of St. Margaret's with the House of Commons dates. The object of the members in thus solemnly taking the Communion together was partly the expectation that they would be able to detect any recusant who might have slipped in amongst them. When the day arrived it was found that there was not one member absent.

The Bill on Impositions.

The next day the Bill on Impositions was read a second time. It was ordered that it should be considered in Committee of the whole House, in order that, as Hakewill said, the three hundred new members might hear the arguments, and that, understanding the true state of their right, they might leave it to their posterity. The House, it appeared, insisted that the resolution to which it had come in 1610, was indisputably true, thus setting aside the judgment of the Court of Exchequer, which was legally and constitutionally binding. The members felt that the question was one to be decided on political rather than on legal grounds, and they were at all events in their right in declaring that unless it were settled to their mind, they would grant no subsidies.

Monopolies.

The Commons had other grievances in view. A patent had been granted for the manufacture of glass, which they regarded in the light of an injurious monopoly, whilst the Government looked upon it as an encouragement to native industry. A company had been recently established for exclusive trading with France, which was liable to the same objections under which the Spanish Company had sunk. On

[1] Chamberlain to Carleton, April 14, *S. P. Dom.* lxxvii. 7; *C. J.* i. 463.

May 2 the question of the Undertakers was again before them, and in spite of Bacon's [1] attempt to persuade them to be content with a protest, they directed that the suspected Undertakers should be strictly examined. After a long investigation, the Committee were unable to obtain any evidence whatever of any corrupt bargain having been struck. At last a paper was produced, which was owned by Sir Henry Neville. He said that he had written it more than two years before, as containing the heads of the advice which he then offered to the King. As there was no reason why he should not have done his best to persuade the King to call a Parliament as soon as possible, and as his advice must have seemed wise to those who now read it, the House had nothing to do but to express its satisfaction in the course which he had taken; and finding that its search was likely to prove fruitless, it allowed the matter to drop.[2]

The Undertakers.

The arguments which were used in the Committee on the Impositions for the benefit of the new members have not been preserved. It was, however, determined that a conference with the Lords should be demanded, and that they should be requested to join in a petition to the King, and the parts were assigned which each manager was to take.[3]

The Impositions.

On May 21, the House took the subject again into consideration, before sending to the Lords to demand a conference. In the argument which the managers were directed to put forward there was, unluckily, one point which was sufficiently doubtful to offer a hold to the supporters of the prerogative. One of the managers was Sir Roger Owen, the member for Shrewsbury, a man who, with no real claim to distinction, chose to consider himself an

Owen's argument from the laws of foreign countries.

[1] Bacon's *Letters and Life*, v. 42.

[2] *C. J.* i. 485. Chamberlain to Carleton, May 19, *S. P.* lxxvii. 26. Lorkin to Puckering, May 28, *Court and Times*, i. 314. For the paper, see p. 202. A few days before, Sir Thomas Parry, the Chancellor of the Duchy of Lancaster, had been detected in interfering in the Stockbridge election. He was expelled the House, as well as the sitting members. The King sequestered him from the Privy Council.

[3] *C. J.* i. 481, 486.

authority upon the constitutional law of the nations of the Continent as well as upon that of England. He had, in the last Parliament, argued strongly[1] that the right of imposing, without the consent of the three estates, was not allowed by the law in any European monarchy. He was now instructed to enforce this argument upon the Lords. Such a theory was entirely irrelevant to the question at issue, and it involved a long discussion upon the principles upon which foreign constitutions were founded, to which the Lords could hardly be expected to have the patience to listen. Wotton saw his opportunity. He knew very well that, as a matter of fact, foreign Sovereigns did succeed in obtaining money which had not been voted by their estates, and he was not inclined to inquire too closely into the methods by which this power had been acquired. He accordingly, after expressing a hope that Owen would look well to the ground upon which he was treading, asserted his own belief that the power of imposing belonged to hereditary but not to elective monarchs. He was supported by Winwood, who after declaring that he had no wish to maintain the right of imposing, added that his opinion was that the foreign princes in question imposed in right of their prerogative. Owen, he said, had made several assertions, but had proved absolutely nothing.

Answered by Wotton and Winwood.

It was high time to draw back from the ground which Owen had so inconsiderately taken up. Sir Dudley Digges accordingly put the matter upon its right footing. The ground upon which the House rested its claim, he said, was that which Englishmen had received from their ancestors:[2] *Nolumus leges Angliæ mutare.* All else was merely illustrative of the main argument, and was used as an answer to those who urged the King to imitate the Kings of France and Spain, if he wished it to be thought that he was not inferior to those monarchs.

Reply of Digges.

Still there was something more to be said. The contrast, which had been insisted upon so strongly between the elective

[1] *Parl. Deb.* in 1610, 112.

[2] "That the first ground that we have received from our neighbours, *Nolumus*," &c. should evidently be 'from our ancestors,' *C. J.* i. 493.

and the hereditary monarchies of the Continent, admitted of very different inferences from those which had occurred to Wotton and Winwood. They had argued that hereditary monarchs had the right of imposing; others might come to the conclusion that if kings were not to impose, it was necessary that they should hold their crowns by a tenure which was not altogether independent of the consent of their subjects. This seems to have been the ground which was taken up by Sandys, as far as we can judge from the very imperfect notes of his speech which have come down to us. It is certainly unfortunate that his words have not been preserved in full, as it would have been interesting to trace the first dawning of the idea that, in order to preserve the rights of the subject intact, it would be necessary to make some change in the relations between the authority of the Crown and the representatives of the people. He began, apparently, by referring to the enormous burden of taxation which had been imposed upon France by the sole authority of Henry IV. He reminded the House that it was not merely the right of laying impositions which was claimed by those hereditary sovereigns of which they had heard so much; they exercised also the right of making laws, without the consent of their estates. What could come of such a state of things but tyranny, from which both prince and people would suffer alike? The origin of every hereditary monarchy lay in election. If, on every occasion of the demise of the Crown, the new Sovereign does not go through the formalities of an election, he must remember that the authority which he holds was, in its origin, voluntarily accepted by the people; and that, when the nation gave its consent to the authority which he is called to exercise, they did so upon the express understanding that there were certain reciprocal conditions which neither king nor people might violate with impunity. A king who pretended to rule by any other title, such as that of conquest, might be dethroned whenever there was force sufficient to overthrow him.[1] He concluded by

of Sandys,

[1] This is, I suppose, the meaning of the brief notes, "No successive King, but first elected. Election double, of person, and care; but both come in by consent of people, and with reciprocal conditions between

denying the validity of the argument that the King of England might do whatever the King of France might do, and by moving that Owen might be called upon to substantiate his doctrine.

It would have been well if the debate had come to an end here. Though the doctrine of the original contract thus propounded by Sandys will not stand before the researches of modern historical inquiry, it was, nevertheless, a far closer approximation to the truth than any rival theory which was at that time likely to be opposed to it. He was, however, followed by Wentworth, the Puritan lawyer, who sat for the city of Oxford, and who had given offence in the last Parliament by the freedom of his language. He was one of those men who are always to be found in times of political excitement, and who, whilst they generally succeed in speaking to the point, are careless of the decencies of expression under which the real leaders of the movement are accustomed to veil their opinions. On this occasion his speech was in strong contrast to the calm argument of Sandys. The Spaniards, he said, had lost the Low Countries by attempting to lay impositions. All the power of the greatest of the French monarchs had not saved them from dying like calves by the butcher's knife. Princes who taxed their people as they had done should remember that in the description given by Ezekiel of the future state of the Holy Land, a portion of the soil was assigned to the Prince, in order that he might not oppress the people. Kings who refused to profit by this example might read their destiny in Daniel's prediction that there should stand up a raiser of taxes in the glory of the kingdom, but that within a few days he should be destroyed.[1]

and of Wentworth.

May 24. The House of Lords refuse to confer.

As soon as the debate was at an end, Winwood carried up to the House of Lords the message demanding a conference. The Lords, after some consideration, resolved to consult the judges. The judges were now led by Coke, and Coke's notion of the position

King and people. That a King by conquest may also (when power) be expelled." *C. J.* i. 493.

[1] Chamberlain to Carleton, May 26, *Court and Times*, i. 312.

of the judges was something far loftier than that of advisers of the House of Lords. The judges, therefore, by Coke's mouth requested that they might not be required to give an opinion, on the ground that they were expected in judicial course to speak and judge between the King's majesty and his people, and likewise between His Highness's subjects, and in no case to be disputants on any side.[1] Coke probably had a vision of the twelve judges being called on in some way to review the judgment of the Court of Exchequer and to decide magisterially between the King on the one side and the House of Commons on the other. If so, his ambition was not gratified. The Lords, either fearing that Coke intended to throw the weight of his authority against the King, or not liking to undertake the burden of resisting the Commons, if they were themselves unfortified by the support of the judges, answered on May 24, with a refusal, at least for the present, to meet the Lower House in conference.[2]

The division in the Lords.

If as yet the Lords were unwilling to occupy the ground which the Commons had assigned them, as leaders in a constitutional resistance to the Crown, an examination of the division must have been reassuring to all who did not despair of some day seeing the two Houses on the same side. Of the sixty-nine peers who recorded their opinions, at least thirty[3] voted in the minority. Of the majority, sixteen were bishops, Matthew, Archbishop of York, being the only one who voted for conferring with the Lower House. Amongst the twenty-three lay peers who voted with the majority were the two Scotchmen, Somerset and Lennox, the latter of whom had recently been raised to the English earldom of Richmond. There were nine Privy Councillors present; so that it appears that if, as is probable, they all voted against the conference, it was impos-

[1] *L. J.* ii. 706.

[2] *C. J.* ii. 707, 708; *Cott. MSS.* Tit. F. iv. 257. Petyt's *Jus Parliamentarium*, 340.

[3] Chamberlain gives the numbers as thirty-nine and thirty. According to the Journals, there were seventy-one present. Perhaps, if Chamberlain is right, two went out without voting. The difference of two votes is not of much importance.

sible to find more than twelve independent lay peers who would vote with the Government, and of these at least four or five were in some way or other under obligations to the court.

Annoying as the refusal of the Upper House must have been to the Commons, they felt themselves to be still more deeply aggrieved when they heard of some words which had fallen from one of the speakers in the debate in the House of Lords. Of all the sycophants who sought for power and place during the reigns of James and of his son, Bishop Neile was justly regarded as the worst. He had lately been notorious as the one amongst the Commissioners sitting in the case of Lady Essex who had been most active in pushing on the divorce with indecent haste. As soon as the sentence was pronounced, he put forth all his efforts in attempting to ruin the Archbishop, and although he did not succeed in this as he desired, he ingratiated himself with James sufficiently to obtain the bishopric of Lincoln, which had been originally destined for Abbot's brother Robert, who had done the King no small service in his controversy with Bellarmine. Neile now stood up to vilify the House of Commons. The matter, he said, on which the Lords were asked to confer with the Lower House was one with which it had no right to meddle. No man who had taken the oaths of supremacy and allegiance could, with a good conscience, even join in a discussion upon the question of the Impositions. Not only were the Commons striking at the root of the prerogative of the Crown, but they would, if they were admitted to argue their case, be sure to give utterance to seditious and undutiful speeches, which would be unfit for the Lords to listen to, and which would tend as well to a breach between the two Houses as to one between the King and his subjects.[1]

Speech of Bishop Neile.

The next day the whole House of Commons was in an uproar. The idea that it is well to allow violence and folly to remain unpunished is of slow growth, and it would be long before it would be received as an axiom by any party in the State. One member called for a bill confiscating to his Majesty's use the profits of the bishopric

May 25. Indignation of the Commons.

[1] *L. J.* ii. 709.

of Lincoln for the next seven years. Another said that Neile's head ought to be set upon Tower Hill. A third declared that banishment was the fitting punishment for lesser offences than this. Those who treated the subject more calmly were doubtful whether it would be preferable to make their complaint to the King or to the House of Lords. A Committee was appointed to take the question into consideration.

On the following day, the committee reported that they had decided by a small majority to recommend that an immediate reference might be made to the King, and that no other business might be taken up till an answer was received. As soon as the report had been made, Sandys rose to hinder the House from the suicidal step which it was advised to take. He told them that by complaining to the King of words spoken in the House of Lords, they were not only insulting the Peers, and placing the King in a position of great difficulty, but they were cutting at the root of their own most cherished right of freedom of speech. If the Commons might appeal to the King to punish a Peer for words uttered in the House of Lords, it was clear that they could never again protest against any claim which might be put forth by the King to a similar jurisdiction over the House of Commons. This reasoning carried conviction with it, and in spite of the opposition of Sir Roger Owen and a few others who were afraid that justice would not be done by the Peers, it was decided to abandon the idea of an appeal to the King, and to ask satisfaction from the Lords; it was also resolved, that until satisfaction had been given to the House no business should be proceeded with.

May 26.

The King had long been watching the debates in the House of Commons. He could now have little doubt that the House would take up the position which they had occupied at the close of the last session. They had already shown that they were determined to carry their point in regard to the Impositions before they consented to a grant of money. They were only waiting till the Committee had finished its labours to present a petition of grievances as objectionable to him as that from which he had turned aside four years before. On both of these points he had made up his mind not to give

The King's letter.

way. He accordingly wrote a letter to them, objecting to their resolution to abstain from business till they had obtained satisfaction from the Upper House, and telling them that it did not belong to them to call or dissolve assemblies. They sent in reply a deputation of forty members, with the Speaker at its head, which was directed to inform him that they had never claimed any such right, but that they intended merely to forbear from entering upon matters of moment, as they were unfit to treat of such subjects until they could clear themselves from the imputations which had been cast upon them.[1]

The Lords' reply concerning the Bishop's speech.

On May 30, the Lords sent down an answer, to the effect that they should always be sorry to hear any aspersion cast upon the other House, but that, as the accusation against the Bishop was grounded simply upon common fame, they did not think it right to entertain it. If, however, they had any express charge brought before them, they would be ready to do justice.[2] The excuse was manifestly frivolous. The Commons had appealed from common fame to those who were present when the speech was delivered. It would no doubt have been better to have ignored the whole affair; and the Lords might very well have refused to discuss with any external body words which had been spoken within their own walls. If they had done this, the Commons would probably have drawn back, for fear of damaging their own claims. But it was impossible for the Commons to accept the excuse which was made. They replied by sending Sir Roger Owen with a paper containing the words which had been uttered by the Bishop, as closely as they could gather them. Upon this, the Lords called upon the Bishop to explain his speech. He seems to have been frightened at the position into which his rash, headlong temper had brought him. He protested, with many tears, that he had been misconstrued, and that he never meant to speak any evil of the House of Commons. The Lords acquainted the Commons with what had passed, and added, that though they

The Bishop excuses himself.

[1] *C. J.* i. 500. Chamberlain to Carleton, June 1, 1614, *Court and Times*, i. 318.

[2] *L. J.* ii. 711.

had taken care to give them contentment in this matter, they wished it to be understood that in future they would not allow any member of their House to be called in question on the ground of common fame.[1]

Here the Commons ought to have stopped. Unluckily, a House of Commons without definite leadership, and more especially one with a large proportion of new members, is apt to degenerate into a mere mob. The Lords had thrown them out of gear by refusing the conference on the Impositions, and from that moment all reasonable and well-considered action was at an end. Each speaker in turn urged more vehemently than the last that some steps should be taken against the Bishop. One member declared that Neile had once given a false certificate of conformity to a recusant. The House could not resist the temptation of inquiring into the Bishop's misconduct, and, without perceiving that it was lowering itself by indulging in personal recriminations, determined that the charge should be examined.[2] Upon this the King lost all patience. On June 3, he sent them a message that, unless they proceeded forthwith to treat of supply, he should dissolve Parliament.

June 3. The King threatens to dissolve.

On the receipt of this message, some of the members were willing that something should be done to satisfy the King. It was too late for this. The House felt instinctively that the objects on which its heart was set were not to be attained, and it did nothing to check its more violent members. Christopher Neville, a younger son of Lord Abergavenny, poured forth a torrent of abuse against the courtiers, and declared that they were 'spaniels to the King, and wolves to the people.' Hoskins boldly entered upon the more tender subject of the Scottish favourites, and even went so far as to put them in mind of the possibility of an imitation of the Sicilian Vespers.

Excitement in the House.

According to the belief of contemporaries Hoskins was set on by persons of high station, and every indication points to Northampton as the person who was suspected to have been at

[1] *L. J.* ii. 713. [2] *C. J.* i. 504.

the bottom of the plot. There is every reason to suppose that the charge was true. An understanding between the King and the House of Commons would not have suited Northampton. If James had been put in good humour by a spontaneous grant of subsidies, he might have made concessions of which Northampton would have strongly disapproved. Amicable relations with the present House would bring with them a decided Protestant policy abroad, and, as Northampton would have put it, a Puritan and democratic ascendency at home. His view was that the King ought to resist the Commons, to grant toleration to the English Catholics, and to strengthen himself by a Spanish alliance, to be confirmed by a marriage between Prince Charles and the Infanta Maria. The portion which she would bring would be sufficient to pay the debts of her father-in-law, and when those were paid some means of getting rid of the deficit might readily be found.

Northampton foments the quarrel.

James was too angry to discover the miserable impolicy of this advice. Digby had recently returned from Spain, and was able to inform him that Lerma had been making fresh overtures for the renewal of the negotiations for the marriage.[1] But until James could be assured of the approval of the Spanish Ambassador, he did not venture to dissolve the Parliament. He accordingly sent to Sarmiento, asking him to inform him whether, in the event of his quarrelling with the House of Commons, he could depend upon his master's support.[2] Sar-

[1] Digby to the King, Jan. 3, 1615. Printed with a wrong date in *Lords' Journals*, iii. 239, as having been written in 162 $\frac{4}{5}$.

[2] Minutes of Sarmiento's despatches, June $\frac{20,\ \text{June}\ 22,\ 23,\ 24}{30,\ \text{July}\ 2,\ 3,\ 4}$, 1614. *Simancas MSS.* Est. 2518. Printed in App. to *Francisco de Jesus.* There is a curious passage in a paper which undoubtedly proceeded from Sarmiento's pen, after his return to Spain, in which he describes his method of obtaining a mastery over James :—"El medio que el Conde de Gondomar ha tenido para quitarle estos miedos" (*i.e.* his fears lest Spain should deceive him) "y irle empeñando en la amistad con V. Mag^d, ha sido mostrandole el gran poder de V. Mag^d, y una muy gran llaneza y confiança con mucha verdad en su tratto, encareciendole lo que se tratta en España, la seguridad con que podrá vivir en sus mismos Reynos, asentando esta amistad ; pues viendole unido con esta Corona se aquietarán todos sin

miento, unwilling to commit himself, vaguely answered that Philip was always perfectly disinterested in his friendships, and that he was undoubtedly desirous of being on good terms with England. This was enough for James. On June 7 he dissolved the Parliament, which had sat for little more than two months. Not a single bill received the Royal Assent. The Parliament was, in consequence, nicknamed by the wits, 'The Addled Parliament.' [1]

June 7. Parliament dissolved.

Up to the unfortunate episode of the speech of Bishop Neile, the proceedings of the House of Commons had been all that could be desired. They were undoubtedly right in refusing to grant supplies until the questions of the impositions and of the grievances had been settled in their favour. There might indeed arise upon the Continent, at any moment, dangers which would call upon them to support the Crown even at the cost of postponing to a future time the demand for justice which they put forward on behalf of themselves and of their children. But that time had not yet come. The visions of war which Bacon had called up before them were not as yet realities, and the Commons wisely decided to provide for the dangers which were at hand, rather than to supply James with means of defence against perils which were still in the future. Even the violence of their behaviour during the last few days of the session admits of some excuse. They knew that the refusal of the House of Lords to hold a conference was the death-knell of their hopes. There could not be the slightest doubt that in thus rejecting their demand the Peers were acting in concert with the King; and the Commons, perceiving that all

que nadie ose menearsele :—que los mismos Catolicos de quien oy se rezela tanto serán los mas seguros y de quien mejor se podrá fiar, y juntamente con esto ha procurado conserbar y aumentar en Inglaterra la religion Catolica, particularmente entre los ministros y personas mas poderosas de aquel Reyno, para que estos de su parte ayudassen tambien á empeñar á aquel Rey en estrecha amistad con esta Corona y ser seguros de la parte de V. Mag^d para en caso que se rompa y sea necesaria la guerra" Consulta by Aliaga and Gondomar, Jan. $\frac{3}{13}$, 1619. *Simancas MSS.* Est. 2518.

[1] Chamberlain to Carleton, June 9. Lorkin to Puckering, June 18, *Court and Times*, i. 320, 323.

their labours had been in vain, would have been more than men if they had felt disposed to treat with deference those who were taking such a course.

These, however, were not the feelings of James. Not having ever grasped the idea that he had asked the Commons to surrender points upon which it was impossible for them to give way, he was proportionately exasperated at their steady refusal to give up their claims. His first act was to summon before the Council those members who had been appointed to take part in the conference with the Lords, and to order them to deliver up all the notes and collections which had been prepared to assist them in conducting their argument. All these papers were immediately burnt in the presence of the Council, in order, no doubt, to prevent their publication. After this was done, four members who had distinguished themselves by the violence of their language, Wentworth, Hoskins, Christopher Neville, and Sir Walter Chute, were sent to the Tower. All this while James was sitting in a neighbouring room, amusing himself by looking through an opening in the hangings, in order to see his orders carried out.

Exasperation of the King.

Four members imprisoned.

On the same day, Sandys and four other members were ordered not to leave London without permission. In a few weeks, however, they were allowed to return home, though Sandys was required to give bonds for his appearance whenever he might be called for.[1] Sir John Savile, Sir Roger Owen, Sir Edward Phelips, and Nicholas Hyde were put out of the commission of the peace.[2] Of the four members who were sent to the Tower, Wentworth was allowed, on June 19, to go out for a few days to visit his wife, and was finally released on June 29. Neville was set free on July 10, and Chute on October 2.[3] Hoskins did not escape so easily. When he was

Treatment of other members.

Release of the imprisoned members.

[1] *Privy Council Register*, June 8, 9, 15, 29, and July 10.

[2] Whitelocke, *Liber Famelicus*, 43.

[3] *Privy Council Register* of the above-mentioned dates. Chamberlain, writing to Carleton on June 30 (*Court and Times*, i. 325), was mistaken in supposing that Wentworth was still a prisoner.

questioned as to what he meant by threatening the Scots with Sicilian Vespers, it appeared that he had no clear notion of the meaning of the words which he had used, as he had not studied history very deeply. On being asked where he got his information, he said it was from Doctor Sharp, a clergyman, who had pressed him to animate the House against the Scots, and had assured him that, in so doing, he would have the protection of Sir Charles Cornwallis, the late ambassador in Spain, and even of the Earl of Northampton himself.[1] Cornwallis declared that he had nothing to do with this speech of Hoskins, though he had procured the election of another member, by the help of a letter from Northampton, and had given him notes of a speech which he was to deliver, complaining of the recusants and the Scots. This speech, however, he said was never delivered. Sharp, on the other hand, declared that Cornwallis had promised to give Hoskins 20*l.* for the loss of his practice during the session, a piece of evidence which was denied by Cornwallis. The Government considered the whole matter as a conspiracy to frustrate its objects by hiring members to stir up the passions of the House.[2] Both Cornwallis and Sharp were committed to the Tower, from which they were only liberated, together with Hoskins, at the expiration of a twelvemonth.[3]

Examination of Cornwallis and Sharp.

Of the two men whose advice had most contributed to the calling of this Parliament, one of them Sir Henry Neville, did not long survive its dissolution. He died in the summer of 1615, regretted by all who knew how to value his integrity and worth. The condition of the other was far sadder. Bacon lived on in the service of the Crown, a silent witness of his own failure. He had built his hopes on the possibility of reconciling King and Parliament, and from all that is known of him he was quite capable of accomplishing his task, if only his hands had been free. His hands unfortunately had not been free. He had under-estimated the

Death of Neville.

Bacon's failure.

[1] Wotton to Sir Edmund Bacon, June 16, *Rel. Wott.* ii. 434.

[2] Chamberlain to Carleton, June 30, *Court and Times*, i. 325. Cornwallis to the King, June (?), *S. P.* lxxvii. 43.

[3] On June 8, 1615. *Privy Council Register* of that date.

difficulties in his way, and above all, had omitted to reckon on the impossibility of persuading James to change his nature, and to look upon a struggle in which he was himself deeply concerned, with the impartial eye of a mere spectator. It is easy to trace out mistakes committed on either side, but, under the existing personal and political conditions, it is hard to see how the Parliament of 1614 could have ended otherwise than it did.

No man, however highly placed, can shake himself altogether loose from the limitations imposed on him by the consentient wills of his fellow-creatures, and James would soon learn that by refusing to accept the terms offered by the House of Commons, he had only placed himself in the power of others who were less plain-spoken, and who had ends of their own to serve by flattering and cajoling him.

A few days after the dissolution, James sent for Sarmiento, and poured into his willing ear his complaints of the insolence of the Commons. "I hope," he said, when he had finished his story, "that you will send the news to your master as you hear it from me, and not as it is told by the gossips in the streets." The ambassador, having assured him that he would make a true report, James went on with his catalogue of grievances. "The King of Spain," he said, "has more kingdoms and subjects than I have, but there is one thing in which I surpass him. He has not so large a Parliament. The Cortes of Castile is composed of little more than thirty persons. In my Parliament there are nearly five hundred. The House of Commons is a body without a head. The members give their opinions in a disorderly manner. At their meetings nothing is heard but cries, shouts, and confusion. I am surprised that my ancestors should ever have permitted such an institution to come into existence. I am a stranger, and found it here when I arrived, so that I am obliged to put up with what I cannot get rid of." Here James coloured and stopped short, perhaps because he had been surprised into an admission that there was something in his dominions of which he could not get rid if he pleased. Sarmiento, with ready tact, came to his assistance, and reminded him that he

James details his grievances to Sarmiento.

was able to summon and dismiss this formidable body at his pleasure. "That is true," replied James, delighted with the turn which the conversation had taken, "and, what is more, without my assent, the words and acts of the Parliament are altogether worthless." Having thus maintained his dignity, he proceeded to assure Sarmiento that he would gladly break off the negotiations with France, if only he could be sure that the hand of the Infanta would not be accompanied by conditions which it would be impossible for him to grant. The ambassador gave him every encouragement in his power, and promised to write to Madrid for further instructions.

If only James could have looked over Sarmiento's shoulder as he was writing his next despatch, he would soon have sickened of his scheme for freeing himself from his own subjects by the help of Spain. Sarmiento's plans aimed at something far more splendid than the alleviation of the distress of a handful of Catholics in England. He believed—as many besides himself believed—that a crisis was at hand in which the very existence of the Catholic system would be at stake. He saw in the overtures which had lately been made by James to the Continental Protestants, the foundation of an aggressive league against the Catholic powers. The attack, he thought, would be commenced by a demand that the Catholic sovereigns should grant liberty of conscience to their subjects, and he never doubted that such a concession would be fatal to the retention by the Pope of the influence which he still possessed. He therefore proposed to carry the war into the enemy's quarters. If liberty of conscience, under the guarantee of England and the German Union, would disintegrate Catholicism in the South, why should not liberty of conscience, under the guarantee of Spain, disintegrate Protestantism in the North? Nor had he any doubt that England was the key-stone of Protestantism. If the countenance of England were withdrawn from the Protestants on the Continent, the Catholic Princes would be able to resume their legitimate authority. The Dutch rebels would be compelled to submit to their lawful sovereign. The French Huguenots would be unable any longer to make head against the King of France.

June. Sarmiento's plans for Europe.

The German Protestants would find it impossible to resist the Emperor. Sigismund of Poland would regain the throne of Sweden, from which he had been driven by his usurping uncle Charles IX. and his usurping cousin Gustavus Adolphus. The Restoration of Catholicism would go hand in hand with the cause of legitimate monarchy. Law and order would take the place of religious and political anarchy. The only re-remaining Protestant sovereign, the King of Denmark, it could not be doubted for an instant, would conform to the counsels and example of his brother-in-law, who, before many years were past, would be the Roman Catholic king of a Roman Catholic England.

Nothing less than this was the mark at which Sarmiento aimed. It is true that he did not think it necessary, as Philip and Lerma had thought it necessary three years before, to ask that the conversion of the Prince should precede his marriage. He had seen enough of James to know that such a proposal would only irritate him. He thought he could make sure of his prey without difficulty in another way. If he could only by the political advantages which he had to offer, tempt James to relax the penal laws, the cause of English Protestantism was lost. Catholic truth, when once these artificial obstacles were removed, would be certain to prevail. A Catholic majority would soon be returned to the House of Commons, and James himself, if he wished to preserve his crown, would be driven to declare himself a convert, and to lend his aid to the suppression of heresy.[1]

and for England

There were not wanting a few facts which, with the exercise of considerable ingenuity, or by the instigation of a hopeful imagination, might be made to serve as a foundation for this stupendous edifice of fancy. The cessation of the war with Spain had led to a reaction against extreme Puritanism, now no longer strengthened by the patriotic feeling that whatever was most opposed to the Church of Rome was most opposed to the enemies of

Grounds on which he founded his expectations.

[1] Minutes of Sarmiento's despatches, June $\frac{20, \text{ June } 22, 23, 24}{30, \text{ July } 2, 3, 4}$, 1614. *Simancas MSS.* 2518, fol. 1.

England. And as the mass of the nation was settling down into content with the rites and with the teaching of the English Church, there were some who floated still further with the returning tide, and who were beginning to cast longing looks towards Rome. Four times a day Sarmiento's chapel was filled to overflowing. From time to time the priests brought him word that the number of their converts was on the increase: and they were occasionally able to report that some great lord, or some member of tho Privy Council, was added to the list.[1] Already, he believed, a quarter of the population were Catholics at heart, and another quarter, being without any religion at all, would be ready to rally to the side of the Pope if it proved to be the strongest.[2] An impartial observer might, perhaps, have remarked that no weight could be attached to such loose statistics as these, which probably owed their origin to the fervid imaginations of the priests and Jesuits who thronged the ambassador's house, and that, whatever might be said of the number of the converts, there was not to be found amongst them a single man of moral or intellectual pre-eminence.

Indeed, as far as we are able to judge, they were for the most part persons who were very unlikely to influence the age in which they lived. The giddy and thoughtless courtier, or the man of the world who had never really believed anything in his life, might forswear a Protestantism which had never been more than nominal, and England would be none the worse.

Notwithstanding his conviction of the soundness of his reasoning, Sarmiento knew that he would have considerable difficulty in gaining the consent of Philip to his scheme; and

[1] These cases are occasionally mentioned in Sarmiento's despatches; but Lord Wotton's name is the only one which is not concealed.

[2] Sarmiento divides the population as follows:—

Recusants	300,000
Catholics who go to church	600,000
Undecided	900,000
Puritans	600,000
Other Protestants	1,200,000
	3,600,000

Sarmiento to Philip III. $\frac{\text{April } 29}{\text{May } 9}$, 1614. *Simancas MSS.* 2592, fol. 69.

especially in persuading him to withdraw his demand for the immediate conversion of the Prince. He, therefore, began by assuring him that it would be altogether useless to persist in asking for a concession which James was unable to make without endangering both his own life and that of his son. Even to grant liberty of conscience by repealing the laws against the Catholics was beyond the power of a king of England, unless he could gain the consent of his Parliament. All that he could do would be to connive at the breach of the penal laws by releasing the priests from prison, and by refusing to receive the fines of the laity. James was willing to do this; and if this offer was accepted, everything else would follow in course of time.[1]

He urges Philip to close with James's offer.

Sarmiento may well have doubted whether his suggestions would prove acceptable at Madrid. On the first news of Somerset's overtures, Philip, or the great man who acted in his name, had determined upon consulting the Pope.[2] The reply of Paul V. was anything but favourable. The proposed union, he said, would not only imperil the faith of the Infanta, and the faith of any children that she might have, but would also bring about increased facilities of communication between the two countries which could not but be detrimental to the purity of religion in Spain. Besides this, it was well known that it was a maxim in England that a king was justified in divorcing a childless wife. On these grounds he was unable to give his approbation to the marriage.[3]

July. The Pope's opposition.

Even those to whom the Pope's objections are no objections at all cannot but wish that his judgment had been accepted as final in the matter. In his eyes marriage was not to be trifled with, even when the political ad-

August. The junta of theologians.

[1] Minutes of Sarmiento's despatches, June $\frac{20, \text{ June } 22, 23, 24}{30, \text{ July } 2, 3, 4}$. *Simancas MSS.* 2518, fol. 1.

[2] Philip III to Paul V., June $\frac{9}{10}$. *Francisco de Jesus*, 6. Guizot, *Un Projet de Mariage Royal*, 43.

[3] The Count of Castro to Philip III., July $\frac{4}{14}$. *Francisco de Jesus*, 6. Guizot, 46.

vantages to be gained by it assumed the form of the propagation of religion. In his inmost heart, most probably, Philip thought the same. But Philip was seldom accustomed to take the initiative in matters of importance, and, upon the advice of the Council of State, he laid the whole question before a junta of theologians. It was arranged that the theologians should be kept in ignorance of the Pope's reply, in order that they might not be biassed by it in giving their opinions. The hopes of the conversion of England, which formed so brilliant a picture in Sarmiento's despatches, overcame any scruples which they may have felt, and they voted in favour of the marriage on condition that the Pope's consent could be obtained. The Council adopted their advice and ordered that the articles should be prepared. On one point only was there much discussion. Statesmen and theologians were agreed that it was unwise to ask for the conversion of the Prince. But they were uncertain whether it would be safe to content themselves with the remission of the fines by the mere connivance of the King. At last one argument turned the scale. A change of law which would grant complete religious liberty would probably include the Puritans and the other Protestant sects. The remission of penalties by the royal authority would benefit the Catholics alone.[1]

September. Preparation of the marriage contract.

Digby was expected to return to his post at Madrid before the end of the year. With the men who, like Somerset, looked upon an intrigue with Spain as a good political speculation, or whose vanity was flattered by the cheap courtesies of Sarmiento, he had nothing in common. The Spanish ambassador never ventured to speak of him except as of a man of honesty and worth, to whom his master's interests were dearer than his own. No doubt, as long as human nature remains what it is, a man through whose hands the most important business of the day is passing can hardly help feeling a growing interest in the success of the policy which

Digby's return to Madrid.

[1] Consultas of the Council of State, $\frac{\text{July } 29}{\text{Aug. } 8}$, Aug. $\frac{6,\ 20}{16,\ 30}$, Nov. $\frac{17}{27}$, 1614; Consulta of the junta of theologians, Sept. $\frac{11}{21}$, 1614. *Simancas MSS.* 2518, fol. 1, 3, 5, 9. *Francisco de Jesus*, 7.

is to gain him a name in history, as well as to secure him the immediate favour of his sovereign. Yet Digby had not accepted the charge of the negotiations without a protest. He had told the King that, in his opinion, it would be far better that his son's wife should be a Protestant. Why should he not look for support to the affections of his subjects rather than to the ducats of the Infanta? A Spanish Princess of Wales would bring with her elements of trouble and confusion. Under her protection the English Catholics would grow in numbers and authority, till it would become impossible to repress their insolence without adopting those harsh and violent measures which had long been foreign to the spirit of the English law. Having thus done his duty by warning James of the danger which he was incurring, Digby proceeded to assure him that, whatever his wishes might be, he would do his utmost to conduct the negotiations to a successful issue. If the future Princess of Wales was to be a Catholic, he thought that a marriage with an Infanta would be better than a marriage with the sister of the King of France. In Spain the Prince would find the most unquestionable royal blood, and from Spain a larger portion might be obtained for the relief of the King's necessities. The only question was whether the marriage could be arranged with no worse conditions than those with which other Catholic princes would be contented.[1]

His views on the marriage.

The whole foreign policy of James was so mismanaged, and his attempt to conciliate Spain turned out so ill, that it is difficult to estimate at its true value so moderate a protest. Knowing, as we do, all that was to follow, it is not easy for us to remember that, if there was nothing to be said in favour of the Spanish marriage, there was much to be said in favour of keeping up a good understanding with Spain, if only the Spaniards made it possible to do so. To put ourselves in Digby's place, it is necessary to realise the weariness which the long religious wars of the sixteenth century had left behind them, and the anxious desire which was felt in so many quarters that the peace which had at

The Spanish alliance and the Spanish match.

[1] Digby to the Prince of Wales, 1617. *State Trials*, ii. 1408.

last been gained might not be endangered by zealots on either side. Could not England and Spain, the most powerful Protestant State and the most powerful Catholic State, come to an understanding on the simple basis of refraining from aggression? Perhaps even with that policy of meddling which had not been entirely renounced at Madrid, it might not have been altogether impossible, but for the events which a few years later occurred in Germany to reawaken the feverish antipathies of religious parties. At all events, if Digby's advice had been regarded, James would have found himself with his hands free, when the crisis came, and would have occupied a position which would have enabled him to mediate in reality as well as in name.

CHAPTER XVIII.

THE BENEVOLENCE AND THE IRISH PARLIAMENT.

THE dissolution of Parliament had been a triumph for Northampton. He had long been looking forward to his own appointment to the high office of Lord Treasurer. The investigations conducted by the Commissioners who had been appointed after Salisbury's death, had relieved him from any fear lest he should be held accountable for a deficit which was plainly not of his making. In these investigations he had taken part, and had shown no little diligence in conducting the inquiry. Whether his hopes were likely to be realised it is impossible to say. He was already stricken down by disease. During the whole of the session he had been lying ill at Greenwich. On the day after the dissolution, he was well enough to come up to London. His strength, however, was not sufficient to bear a surgical operation to which he submitted, and on the 15th of June he died, unregretted by men of all classes and of all parties.[1]

June 15. Death of Northampton.

Even if he had lived, Northampton might have failed in attaining the object of his ambition, as for some months before his death, James had known that he was a recipient of a Spanish pension. Suffolk's character, on the other hand, had passed under Digby's investigations without a stain, and Suffolk, like his uncle, was a warm partisan of the Spanish alliance. It was therefore only natural that the vacant appointment should be given to him. On July 10, the King informed him that he had made choice of him for no

Suffolk appointed Treasurer.

[1] Chamberlain to Carleton, June 30, *Court and Times*, i. 325.

other reason than for his approved fidelity and integrity. The office of Lord Chamberlain, vacated by Suffolk, was conferred upon Somerset. The King told him that he gave him the place which would bring him into such close relations with himself, because he loved him better than all men living.[1] The offices of the Lord Privy Seal and of the Warden of the Cinque Ports, which had belonged to Northampton, were to be kept vacant till some one could be found fitted to hold them. In the meanwhile, Somerset was to transact the business of both these places. Not very long afterwards, the Chancellorship of the Exchequer was given to Sir Philip Sydney's old friend, Sir Fulk Greville, in place of Sir Julius Cæsar, who had been appointed Master of the Rolls.

Somerset Lord Chamberlain.

The new Lord Treasurer had no light task before him. The state of the finances had been slightly improved during the past year, but they still presented formidable obstacles to any Treasurer who was rash enough to entertain hopes of being able to balance the two sides of the account. From a statement[2] drawn up the day after Suffolk's accession to office, it appeared that the estimated annual expenditure of the Crown now amounted to 523,000*l.*, and that even by including the 40,000*l.* which the Dutch were bound to pay every year until the whole debt was wiped off, the revenue could not be calculated at more than 462,000*l.*, leaving a deficit of 61,000*l.* There were, as usual, extraordinary expenses to be taken into account, and a debt of about 700,000*l.* was pressing on the King, who had no means of paying a farthing of it. James had certainly not chosen an opportune time for breaking with his Parliament.

State of the revenue.

At the time of the dissolution some of the bishops made an offer to the King of the value of the best piece of plate in their possession, to help him out of his difficulties. The proposal was eagerly accepted, and in a few days all the great lords and officers of the Crown were following their example. Soon, every man who had

A Benevolence offered by the Bishops and others.

[1] Chamberlain to Carleton, July 14, *S. P.* lxxvii. 64. Lorking to Puckering, July 21, 1614, *Court and Times*, i. 335.

[2] *Lansd. MSS.* 169, fol. 135.

anything to hope from the favour of the Court was bringing money to the Jewel House for the King's use.[1] The idea occurred to some one that it would be well to call upon all England to follow the example of the bishops. The King, however, first wrote to the Lord Mayor to request a loan from the City of 100,000*l.* The reply was that they would rather give 10,000*l.* than lend 100,000*l.*[2] If this offer was accepted, as there can be little doubt that it was, it may be considered as having laid the foundation of the general Benevolence, as these voluntary gifts were called. A few of the gentlemen of the counties round London, and a few towns apparently in the immediate neighbourhood of the capital, followed the example of the courtiers. In this way a sum of 23,000*l.* was collected before July 18.

Appeal to the country.

But this was not all that was intended. The King was under the impression that the refusal of supplies by the House of Commons had proceeded merely from a factious Opposition, and that a direct appeal to the country would be attended by the most favourable results. He was, indeed, stopped by Coke from sending missives under the Great Seal, as had been originally intended; but the Council[3] made no difficulty in writing letters to every county and borough in England, requesting them to send in their contributions. It was on July 4 that these letters were despatched. The Council began by acquainting the sheriffs and other magistrates to whom they were directed, that the late Parliament had not granted such supplies as might have been expected. Upon this many of the clergy, and the Lords of the Council, and others, had, of their own free will, presented to the King plate or money. Their example had been followed by the judges, by gentlemen of property in the adjacent counties, and by some cities and boroughs. The Council was, therefore, desirous that the gentlemen and other persons of the county or borough addressed should know what was being done, in order that they might

[1] Chamberlain to Carleton, June 30, 1614, *Court and Times*, i. 325.

[2] Chamberlain to Carleton, July 7, 1614, *S. P.* lxxvii. 58.

[3] Bacon had advised that this should not be done, as likely to make people think that they were not free to refuse. *Letters and Life*, v. 81.

show their love and affection to the King. Whatever was collected was to be sent to the Jewel House at Whitehall, together with a list of the names of the givers, in order that the King might take note of their good affection. The money thus obtained was to be employed solely in the payment of debt, especially of that incurred on account of Ireland, the navy, and the Low Country garrisons.[1]

Effect of this appeal.

It is possible that the Council meant to leave those whom they addressed free to give or to refuse; but, from the very nature of the case, it was impossible that those who were addressed should feel entirely at their ease. The concessions which had been offered by the King at the opening of the last session prove how completely he might have every gentleman in England at his mercy. Many of them were directly tenants of the Crown, and those who were not might easily be entangled in the meshes of a law which gave every facility to the Sovereign in prosecuting his extremest rights. In spite of this, however, the letters of the Council did not produce the effect which was anticipated. In every county the sheriffs were told that the King would have no difficulty in obtaining a supply, if it should please him to call a Parliament.[2] July, and then August, and then the first fortnight of September, passed slowly by, and not a single favourable answer had been vouchsafed to the letters of the Council.[3] Since July 18, a poor 500*l.* was all the money which had been sent in to Whitehall.

Affairs in Cleves.

The Council determined to appeal once more to the country. By this time events had occurred in Germany which, as they hoped, would give weight to their demand for money in the eyes of all true Englishmen. The old quarrel of Cleves was threatening to break out once more with redoubled violence. In the previous November Wolfgang William, the young Palatine of Neuburg, had married a sister

[1] The Council to the Sheriffs &c., July 4, *Council Register*.

[2] Raleigh's 'Prerogative of Parliaments,' *Works*, viii. 218.

[3] The Council, in their letter of Sept. 17, say that they had had no answers. They would hardly consider the Devonshire reply, afterwards referred to, an answer at all.

of the Duke of Bavaria. He had already secretly professed himself a convert to the Roman Catholic Church. A few weeks after his marriage he came down to Düsseldorf with the intention, it can hardly be doubted, of making himself master, sooner or later, of the whole of the disputed territory, with the help of the Archduke and the Catholic League.

The Brandenburg party was not likely to remain long quiet under these apprehensions. Foreseeing that an attack would, some time or other, be made upon them, they determined to strike the first blow. An attempt to seize Düsseldorf failed, but they succeeded in getting into their hands the town of Juliers, which had, since the conclusion of the siege, been held by a garrison composed of troops in the service of both pretenders. As soon as he had gained his object, the Brandenburg commander invited Dutch troops into the place. This proceeding was approved of by the States, who gave out that they wished to preserve the peace between the irritated rivals.

Juliers in the hands of a Dutch garrison.

The Palatine replied to this aggression by declaring his conversion to Catholicism, and by fortifying Düsseldorf, which had previously, like the other towns of the country, been held in common by the two Governments. He called on the Court of Brussels to come to his help against the Dutch.

The Palatine of Neuburg declares himself a Catholic.

The Archduke, having obtained the consent of the King of Spain, levied large forces, which he placed under Spinola. Some attempts were made to negotiate, but they were altogether unsuccessful. In August, Spinola set out with his army. On his way he restored the Catholic magistracy at Aix-la-Chapelle, which had been overthrown four years before by the Protestant majority of the citizens. In a short time he was master of all the towns in the Duchies on the left bank of the Rhine, with the exception of Juliers itself. He then passed the river, and, after a siege of four days, compelled Wesel to capitulate, on condition that the Spanish garrison should evacuate the place whenever the States withdrew their soldiers from Juliers. The Dutch, on their part, alarmed at the progress of Spinola, ordered their troops

Spinola invades the Duchies.

to enter the Duchies. Maurice accordingly took possession of Emmerich and Rees, and though he had orders not to break the truce by attacking the invading army, it was obvious that, unless some means were taken to arrange the questions in dispute, a collision between the two armies was imminent.[1]

Maurice at Emmerich and Rees.

Under these circumstances, it was more than ever desirable that the English Treasury should be full enough to be ready for the worst. On September 17, the necessity of the King was again laid by the Council before the country. The sheriffs of the several counties were reminded of the letter which had been sent to them in July. They were told that the King's want of money was now more pressing than ever, in consequence of the dangers to which his allies were exposed. Spinola had gathered a large army, and there could be little doubt that he was in league with both the King of Spain and the Emperor. In the Duchies of Cleves and Juliers, he had seized upon all the towns which lay upon the Rhine. By this aggression not only was the Elector of Brandenburg, his Majesty's ally, deprived of his possessions, but the Elector Palatine was placed in a position of considerable danger. Nor was it unlikely that an attack was intended upon England itself, or upon some other part of his Majesty's dominions. As a precautionary measure, orders had been given for a general muster. The navy was to be prepared for service, and all recusants were to be disarmed. The Council concluded their letter by expressing their surprise to the sheriffs that they had received no answer to their former letters, and by begging that they would lose no time in exerting themselves in a service which was so needful for the good of the country.[2]

Second letter of the Council to the sheriffs.

It is, of course, impossible to say how far some of the counties were moved by such an appeal. But the smallness of the sum which was actually realised is sufficient to show that there was no general response

Smallness of the sum obtained.

[1] Bentivoglio, *Relationi* (ed. 1650), 145. Wolf, *Geschichte Maximilians I.*, iii. 487.

[2] The Council to the Sheriffs, Sept. 17, *Council Register*.

to the request for money on the part of a King who had turned a deaf ear to the demands of the House of Commons. After every exertion had been made during nine months, the amount of money obtained barely exceeded 23,000*l.* Then there was a pause. In November, 1615, the work of collection began again, and after eight more months had been spent in pressing the people to contribute, a further sum, nearly amounting to 15,000*l.*, was obtained. In the following year a last payment, of rather less than 5,000*l.*, was gradually raised. The whole sum thus obtained from the people of England was no more than 42,600*l.* As 23,500*l.* had already been paid by the City of London and by the Bishops and the courtiers previously to the general appeal, the total result of the Benevolence may be calculated at not much more than 66,000*l.*, or less than two-thirds of the value of a single subsidy with its accompanying fifteenth.[1]

Means used to obtain it.

No doubt care was taken not to utter a single word which might deprive these payments of their character of voluntary contributions. But the Council certainly allowed itself to give very strong hints that it would not be well with those who refused to pay. It was significant that the judges of assize were entrusted with the task of recommending payment. Those whom they addressed must have known well how probable it was that they might some day or other be dependent for at least some portion of their property upon these novel collectors of contributions. Several instances have been reported to us in which we can easily trace the spirit in which these free gifts were asked for. When Whitelocke, who had property in Buckinghamshire, came before the judges, they refused to receive his name, in hopes of being able to make a better profit of him if they could deal with him in London. As he had no wish to be cajoled in this manner, he put down his name on the roll for 2*l.*, whilst their attention was called away in another direction. Two of his acquaintances, however, were not so fortunate. Lord Knollys took the liberty of putting down their names, without their consent, for 5*l.*

[1] Receipt Books; Breviates of the Receipt; Dormant Privy Seal Books, *R. O.*

apiece.[1] At the same time the Council kept a vigilant eye upon what was being done in various parts of the country. Having heard that Lord St. John, the Lord Lieutenant of Bedfordshire, had been cool in the cause, they immediately wrote to him, telling him that his behaviour had been taken note of, and advising him to take care what he was doing.[2] In some shires the resistance was more general. Even before the second letters had been written, the inhabitants of the great western county of Devonshire had offered a remonstrance, and had declared that, however ready they were to assist the King in his difficulties, they were unwilling to injure their posterity by establishing such a precedent. A few weeks later the county of Somerset appealed to the Act of Richard III. against Benevolences.[3] Similar protests were made by Nottinghamshire and Warwickshire.[4]

Resistance in some counties.

The Council, upon this, summoned before them three or four of the justices of the peace, from each of the recalcitrant counties. Care was taken that no two counties should be heard on the same day, probably in order to prevent them from settling upon any common plan of action. As soon as these poor gentlemen were admitted, they were overwhelmed with a flood of records and precedents which they were utterly unable to resist. Coke himself took part against them. The statute of Richard III., he said, was intended to prevent exactions passing under the name of free gifts; it was never meant to stand in the way of really voluntary contributions like the present. He had no difficulty in showing that Benevolences had been paid during the reigns of the first two Tudors, in spite of the statute of Richard III.[5] The bewildered men had nothing left but to acknowledge their error. The Council took care to follow their returning steps with a fresh letter urging the counties to go on with the good work.

Deputations summoned to London.

Overwhelmed with precedents.

[1] Whitelocke, *Liber Famelicus*.

[2] The Council to St. John, Oct. 9, *S. P. Dom.* lxxviii. 14.

[3] 1 Ric. III. cap. 2. [4] *Privy Council Register*, Nov. 2, 14, 16, 30.

[5] There is a report in the *Lansd. MSS.* 160, fol. 118, of an argument of Coke's on the Benevolences, said to have been delivered on November 8.

It was not long before it was discovered that even those counties which had not ventured upon open remonstrance were not always likely to give satisfaction to the Government. Leicestershire had notified that, after several meetings, a resolution had been come to to present the King with 1,000*l.* But it was one thing to pass resolutions, and another thing to collect the money. After some time the Lord Treasurer was informed that no more than 400*l.* could be obtained, as many who had promised had refused to pay. Upon this the Council wrote to the sheriff and the justices of the peace, rating them for their backwardness, and telling them that so mean a sum could not be accepted. They accordingly admonished them to take the business in hand once more. When they had done their best they were to forward a perfect list, not only of the names of those who paid, but of the exact value of the sums subscribed. Another list was to be furnished containing the names of those who were able to pay, but had held back from contributing. A similar letter was written to the borough of Taunton, which had also sent a sum which was held to be inadequate.[1]

The Leicestershire contribution refused, as insufficient.

Feb. 5, 1615.

In July, 1615, when the stream was again flagging, another appeal was made to ten of the twelve Welsh shires. They had sent nothing, pleading their poverty. They were told that this was no excuse, as it was never intended that any but men of property should contribute, and there was a sufficient number of them to do something for the King. At the same time letters were written to those amongst the English counties which were most backward. Stafford, Durham, and Westmoreland had not furnished a single contributor. In Shropshire there had

July. The Welsh shires written to,

and the most backward English counties.

In it he states that 'this Table hath done nothing contrary to the laws of this realm.' The story of Coke's opposition to the Benevolence must be founded on his dislike of the use of the Great Seal, as savouring of compulsion. There is no evidence of anything more. The opinion in *Rep.* xii. 119 must have been delivered on some other occasion.

[1] The Council to the Sheriffs of Somerset, Nov. 15; the Council to the Sheriffs of Devon, Nov. 30; the Council to the Sheriffs of Warwick, Dec. 9, 1614; the Council to the Sheriffs of Leicester, Feb. 5; the Council to the Borough of Taunton, Feb. 26, 1615, *Council Register.*

been found one, in Herefordshire two, in Sussex three. The clergy of the diocese of Durham were also visited with a letter. The result of these letters was that from three of the Welsh shires 394*l.* was obtained, Cumberland sent 67*l.*, Westmoreland 85*l.*, Shropshire 95*l.*, the Durham clergy 126*l.*, whilst Sussex provided as much as 772*l.* Staffordshire and Herefordshire remained impenitent to the last.[1]

1614. St. John's letter.

At a time when the feeling in the country is running strongly on any subject, it generally happens that some one or other starts forward with an ill-considered and exaggerated expression of that feeling. On this occasion the person by whom this part was performed was Oliver St. John, a gentleman of Marlborough. As soon as the second appeal of the Council reached that town, the mayor applied to St. John, amongst the other residents, to know what he was willing to give. St. John not only refused to subscribe, but wrote a letter which he requested the mayor to lay before the justices of the county. In this letter, after saying truly enough that

[1] *S. P. Dom.* lxxvii. 12. The sums mentioned are those paid after Oct. 10, 1615, but as the letters were written on July 21, and as we know from the Receipt Books of the Exchequer that, with the exception of 100*l.* paid in on July 26, no money was received by the Exchequer till Nov. 18, we may be pretty sure that the sums given above are the whole of the payments made in consequence of the letters. The only certain instance I have found of direct ill-treatment in consequence of slackness in paying the Benevolence was in Lincoln diocese. On June 30, 1615, Bishop Neile wrote to his clergy, telling them that in consequence of their having been backward in this respect, as well as for other reasons, they were no longer to be exempted from providing arms for the musters.—Neile to Lambe, June 30, 1615, *S. P. Dom.* lxxx. 123. Probably, however, Whitelocke's statement of the reasons for which George Croke was omitted from the list of lawyers who were to be made Serjeants-at-law, refers to the Benevolence. "It is not to be forgotten," he says, "that the Serjeants-at-law gave each of them 600*l.* to the King. . . Mr. George Croke was left out because he refused to give the money, and offence was taken at his words, because he said he thought it was not for the King" (p. 44). Mr. Foss (*Lives of the Judges*, vi. 3, 294) interprets these words as referring to a refusal to pay an ordinary gratuity expected from all persons elevated to the degree. The date, however, September or October, 1614, favours the other interpretation.

it was unreasonable that those should be called upon to supply the King who were unacquainted both with the extent of his necessities, and with the sums which might possibly be required to satisfy them, he went on to stigmatise the Benevolence as contrary to Magna Carta, and to the well-known Act of Richard III. He even charged the King with breaking his coronation oath, and added a declaration of his belief that all who paid the Benevolence were supporting their Sovereign in perjury.

After such a letter as this, it can hardly be a matter of surprise that he was sent for to London by the Council, in order that he might be brought before the Star Chamber, to answer for the contemptuous language in which he had spoken of the King. He was immediately committed to the Fleet, from which, after he had been examined, he was transferred to the Tower, but in consequence of the illness of the Lord Chancellor, it was not till April 29, 1615, that proceedings were commenced against him. As Attorney-General, Bacon took a prominent part in the prosecution.

1615. He is brought before the Star Chamber.

To Bacon the feelings with which the great majority of patriotic Englishmen were animated in hanging back from contributing were utterly unintelligible. With the Parliamentary opposition to the Impositions he had no sympathy whatever, and if he agreed, to some extent, with those who asked for ecclesiastical reform, he looked upon the determination of the House of Commons to force their views upon the King as an unwarrantable interference with the Royal prerogative. The tendency of thought which isolated him from so many of his countrymen on these questions, made him blind to the objections which were commonly felt to the Benevolence. He regarded the dissolution of Parliament as an accidental circumstance arising from the bitterness of feeling produced by the Bishop of Lincoln's speech. Overlooking the growing divergence between the policy of the King and that of the House of Commons, he fancied that the House would in the end have granted the supplies required, even if a deaf ear had been turned to their complaints. He accordingly maintained

Bacon's charge.

that those who paid the Benevolence were only carrying out the intentions of the House of Commons. He had no difficulty in showing that no actual threats had been used by the Council to induce anyone to pay ;[1] and he argued that the Benevolence was in reality, as well as in name, a free gift, and that it had nothing in common with those exactions which, in former times, had passed under that name. In this view of the case he was supported by Coke, and by the other members of the Court. Coke even retracted his former opinion against the legality of a Benevolence demanded by letters under the Great Seal.[2] St. John was sentenced to a fine of 5,000*l.*, and to imprisonment during the King's pleasure. The fine was, as usual, remitted, after a full submission made on June 14, and he was, probably soon afterwards, set at liberty.[3] Two or three years afterwards, he addressed a letter to the King, couched in terms of fulsome flattery, asking that the record of his punishment might be cancelled.[4] This request was granted, and from this time he drops out of sight.

St. John's sentence.

It happened with St. John as it had happened with Fuller seven years before. It is not the men who spring forth first to defend the cause of liberty who become its martyrs. It is those who suffer in silence till the time comes when they are no longer justified in forbearing to speak out, who endure the trial. Yet, setting aside St. John's intemperance of language, there cannot be a doubt that he was

He is right in the main point.

[1] He even went so far as to say that there was 'no certifying of the names of any that denied.' This was true at the time when St. John wrote his letter, but it had since become untrue.

[2] *State Trials*, ii. 899. Charge against St. John, Bacon's *Letters and Life*, v. 136. Bacon to the King, Feb. 7, April 29, *ibid.* v. 113, 135.

[3] *Ibid.* v. 147.

[4] Dixon's *Personal History of Lord Bacon*, 188. The letter is shown by internal evidence to have been written after Bacon became Lord Keeper, and also after St. John's release from the Tower ; not, as Mr. Dixon seems to have thought, immediately upon his incarceration. On October 21, 1618, a release from the fine inflicted was given to St. John (Pat. 16 Jac. I. Part 20), and it is very probable that this was an answer to the petition.

right on the main point. To a great extent, at least, the Benevolence was not a free gift. The small amount actually raised, and the slowness with which it came in, would be enough to prove this, even if we did not know that the Council, vexed at the neglect with which their entreaties were received, allowed themselves at last to give very strong hints of the mode in which they looked upon those who refused to pay. Can those who speak of the whole collection being voluntary, honestly say that they believe that more than a mere fraction of the amount obtained from the general subscription would have been realised if the subscribers had received the assurance that their names would never have become known to the Government? [1]

Raleigh writes *The Prerogative of Parliaments.*

The question of the Benevolence called out an argument upon the King's financial position from a man of very different calibre from the malcontent St. John. Raleigh had been so long a prisoner that he had lost all reckoning of the currents of the political world. He imagined that James was personally innocent of the rank crop of abuses which was springing up on every side. He was ready to lay the blame upon the evil counsellors who prevented the truth from reaching the ears of the King. In a Dialogue [2] which he wrote at this time, and by which he hoped to regain the favour of James, he called upon him to take up once more the policy of Elizabeth, to cast away all those unpopular schemes for raising money to which he had been addicted, and to throw himself unreservedly upon the love of his subjects. Such a book was hardly likely to find favour with James. He was, not unnaturally, incensed by an argument which, in reprobating his counsellors, proceeded to condemn the whole scheme of policy upon which he had, of his own free

[1] By 13 Car. II., cap. 4, the King was authorised to issue a Commission for accepting voluntary presents of a limited amount. The last clause of the Act is: "And be it hereby declared that no commissions or aids of this nature can be issued out or levied but by authority of Parliament; and that this Act, and the supply hereby granted, shall not be drawn into example for the time to come."

[2] *The Prerogative of Parliaments*, *Works*, viii.

will, embarked. Raleigh, who had hoped to gain his freedom as a reward for the good advice which he had offered, was disappointed to find that the only notice taken of him was an order for the suppression of his work.

At the same time with the case of St. John, another affair was engaging the attention of the King and the Council, which owed all its importance to the excited state of feeling which prevailed in consequence of the levy of the Benevolence. Edmond Peacham, the Rector of Hinton St. George, in Somersetshire, was one of those who felt strongly on the subject of the ecclesiastical abuses of the time. Whether his temper had been soured by real or fancied ill-usage, it is impossible to say; but what we know of him is not of a character to prepossess us in his favour. His language was intemperate, and his conduct would lead us to imagine that his complaints against the authorities proceeded rather from personal rancour than from any settled principle.

1614. Peacham's deprivation.

The chief object of his dislike seems to have been the Ecclesiastical Court of his diocesan, the Bishop of Bath and Wells. He is first heard of as being in London, shortly before the dissolution of the last Parliament, where he held a conversation with Sir Maurice Berkeley about a petition which had been sent up from Somersetshire against the officials of the Ecclesiastical Courts.[1] At some time or other he committed to writing some charges against the Consistory Court,[2] which he followed up by bringing accusations of no light nature against the Bishop himself. The former production was not discovered by the authorities, but the latter having come before the notice of the Bishop, its author was at once sent up to Lambeth for trial before the High Commission. After due investigation these charges were adjudged to constitute a libel, and he was sentenced to be deprived of his orders.[3]

This sentence was delivered on December 19, 1614. Ten

[1] Examination of Peacham, March 10, 1615, *State Trials*, ii. 877.

[2] The book mentioned in Yonge's *Diary*, p. 28, is, I suppose, the same as the 'Consistory villanies,' spoken of by Bacon in his letter to the King of Feb. 28, *Letters and Life*, v. 123.

[3] Sentence of deprivation, Dec. 19, *S. P.* lxxviii. 78.

days before, by order of the Privy Council, he had been transferred from the Gatehouse, in which he had hitherto been confined, to the Tower.[1] In searching his house, apparently for the missing papers which he had written against the Consistory Court, the officials came across some writings, which they brought away with them. They consisted partly of loose papers, and partly of a composition in the form of a sermon, which had been carefully drawn up from materials which had first been jotted down on separate sheets. They were thought to be of sufficient importance to lay before the Council. They were there investigated, and it was decided that they contained treasonable matter.

He is committed to the Tower.

As far as we can judge from the interrogatories which were administered to Peacham, the treatise was of a peculiarly offensive nature. It found fault with the Government in no measured terms. It touched upon all the stock objects of popular dislike, the misconduct of the officials, the prodigality of the King, and his refusal to subject the ecclesiastical to the temporal Courts.[2] The King might some day be smitten with a death as sudden as that which overtook Ananias or Nabal. It was possible that the people might rise in rebellion, on account of the oppression which they experienced, and of the heavy taxation which was imposed upon them. It was also possible that, when the Prince came to the throne, he would attempt to regain the Crown lands which had been given away, upon which those who were interested in retaining them would rise in rebellion, saying, "Come, this is the heir; let us kill him." Peacham concluded his performance by saying that, when James had come to the throne, he had promised mercy and judgment, but that his subjects had found neither.

Nature of the offensive composition.

Peacham was sent for and examined. He acknowledged that he had intentionally aimed at the King, and justified his conduct by saying that it was proper that by the 'examples of preachers and chronicles, kings' infirm-

Peacham examined.

[1] *Council Register*, Dec. 9.

[2] I suppose this is what is meant by 'his keeping divided Courts.

ities should be laid open.' He refused, however, to give any further information.

It cannot be a matter of surprise that James should have felt indignant at the discovery. The fact that Peacham's notes had been copied out fairly was taken as evidence that they were intended either to be preached from the pulpit, or to be made public through the press, and these were the circumstances in the case which no doubt weighed with the Council in taking up the affair as a serious matter. The Government was aware that the levy of the Benevolence had caused great dissatisfaction in many parts of the kingdom, and that Somerset was one of the counties which had taken the lead in remonstrating against it. It was, therefore, anxious to discover whether Peacham stood alone, or whether he had acted at the instigation of any of the leading gentry of the county. So lately as on November 20 three of Peacham's neighbours had been summoned before the Council, to give account of the feeling prevailing in the county, and to hear the arguments of the Council in favour of the measure which had been adopted for raising money.[1] Of these three, it may perhaps have been known that Sir Maurice Berkeley had been in communication with Peacham at the time of the last Parliament, and Paulet undoubtedly lived near Peacham, and had presented him with the living which he held. Although, therefore, there is no direct evidence on the point, there can be little doubt that the Council imagined that Peacham's book was not a mere isolated piece of folly, but that it had been prepared as a signal of discontent, and perhaps of rebellion, in connection with the principal landowners of the county. As he resolutely refused to make any confession which would implicate others in the composition of his paper, directions were given that, if he still continued obstinate, he should be put to the torture. Winwood, the Secretary of State and the Chancellor of the Exchequer, together with Bacon, Yelverton, Montague, Crew, the four law advisers of the Crown,

Causes of the persistence of the Council in investigating the affair.

1615. Jan. 18.

[1] *Council Register*, Nov. 2, 1614. This is an order for Sir M. Berkeley, Sir N. Halswell, and J. Paulet, Esq., to appear before the Council on the 20th.

and Helwys, the Lieutenant of the Tower, were ordered by the Council to renew the examination, and, if they should see fit, to put 'him to the manacles.'[1] The old man was accordingly tortured, in the vain expectation that he would reveal a plot which existed only in the imagination of the Councillors. He suffered in silence—either being unable to confess anything which might satisfy his persecutors, or being unwilling, as yet, to invent a story which might tell against himself in the end.[2]

Peacham put to the torture.

There was no reason to suppose that any of those who were intrusted with this odious work imagined, for a moment, that they were doing anything wrong. Though the common law expressly rejected the use of torture, it was generally understood that the Council had the right of obtaining information by its means, whenever they might come to the conclusion that the evidence of which they were in search was sufficiently important to render it necessary to appeal to such a mode of extracting a secret from an obstinate person. The distinction then so familiar between the law which ruled in ordinary cases, and the prerogative by which it was overruled in matters of political importance, has happily passed away even from the memory of men. It is, therefore, not without difficulty that we are able to realise to ourselves a state of feeling which would regard proceedings of this kind as contrary to the law, and yet as being perfectly justifiable.[3] And yet it is indubitable that such a feeling existed, and there can be little doubt that it was shared by all those who witnessed

State of opinion on the subject of torture.

[1] Warrant, Jan. 18, Bacon's *Letters and Life*, v. 91.

[2] *State Trials*, ii. 871.

[3] "It is true, no doubt, as Coke discovered afterwards, that 'there was no *law* to warrant tortures in England.' But it is also true that the authority under which they were applied was not amenable to the Courts of law. As the House of Commons now assumes the right to commit any commoner to prison for what it judges to be contempt of its authority, so the Crown then assumed the right to put any commoner to torture for what it judged to be obstinacy in refusing to answer interrogatories. As the judges cannot now call upon the House of Commons to justify the committal, so they could not then call upon the Crown to justify the torture." Spedding in *Bacon's Letters and Life*, v. 93, note.

the scene. Bacon's part, as Attorney General, was entirely subordinate; and, though he may possibly have regarded the use of torture as inopportune in this particular case, there is no reason to suppose that on the general question he felt in any way different from those who were associated with him.[1]

The torture having proved to be a total failure, no conspiracy, or any shadow of a conspiracy, having been detected, there remained the question of Peacham's own guilt. Whether the treatise had anything to do with the discontent which prevailed in Somerset or no, it at all events contained abuse against the King; and, as abuse of the King was likely to stir up dislike of his government; and as this dislike might possibly end in rebellion, the book might, without any very forced reasoning, be considered a treasonable production. There is no reason to suppose that either Bacon or those who joined with him in condemning the book were saying more than they believed. A Government is at all times liable to interpret the law of treason with considerable laxity, and it is notorious that its limits were at that time by no means strictly defined by the judges themselves.

Question of Peacham's guilt.

To embark on a prosecution of this nature, however, is at no time a proceeding likely to commend itself to any Government, unless it has first assured itself, by taking the best advice available, that its proposed course is legally unassailable. At present, the advisers to which a Government would have recourse would be the Attorney and Solicitor General. In the beginning of the seven-

The judges to be consulted.

[1] Bacon's language in 1620 is explicit against the theory that though, as a humane man, he would rather not inflict torture, he had not the modern feeling against it. "If it may not be done otherwise," he wrote, "it is fit Peacock be put to torture. He deserveth it as well as Peacham did."—Bacon to the King, Feb. 10, 1620, *Letters and Life*, vii. 77. In another place, he writes: "By the laws of England no man is bound to accuse himself. In the highest cases of treason torture is used for discovery, and not for evidence."—*Of the Pacification of the Church*, *ibid.* iii. 114. He means that torture was used for discovering facts against others, but that the evidence extracted is not used against the tortured man. This seems to have been the case here. It was evidence of a conspiracy which was wanted, not evidence to hang Peacham.

teenth century, custom authorised it to consult the judges, and this was precisely what the Council had resolved to do, even before Peacham had been tortured.[1]

As Attorney-General, Bacon was anxious that, for the credit of the Government, and for the hindrance of future attempts to stir up open resistance to the Crown, the prosecution should prove successful. He foresaw, however, one danger in the way. "I hope," he wrote to the King, who was staying at Royston, "the end will be good. But then every man must put to his helping hand. For else I must say to your Majesty, in this and the like cases, as St. Paul said to the centurion when some of the mariners had an eye to the cock-boat, 'Except these stay in the ship, ye cannot be safe.'"[2]

Jan. 21. Bacon's foreboding.

There can be no doubt to whom this allusion referred. Coke was the one amongst the judges whose action moved in an orbit of its own, and whose strength of purpose and fertility of argument had reduced his colleagues to a position of dependence on himself. James, at least, understood what Bacon meant. He directed the Council to take the opinion of the judges of the King's Bench, not collectively, but individually. In this way he hoped to get at the real opinion of the three who sat in the same Court with Coke, and who might otherwise be overawed by the Chief Justice.

The judges to be consulted separately.

As might have been expected, Coke took strong objection to this method of proceeding. He was quite ready to acknowledge that the judges might fairly be called upon to give their advice. But he held that they ought to be consulted as a body. "Such particular and auricular taking of opinions," he said, "is not according to the custom of the realm."[3]

Coke's resistance.

[1] Bacon's *Letters and Life*, v. 91, note 2.

[2] Bacon to the King, Jan. 21, *Letters and Life*, v. 96.

[3] "For the course," wrote Bacon, "your Majesty directeth and commandeth for the feeling of the judges of the King's Bench their several opinions, by distributing ourselves and enjoining secrecy, we did first find an encounter in the opinion of my Lord Coke, who seemed to affirm that such particular and (as he called it) auricular taking of opinions was not

No attention was paid to Coke's remonstrance. Information was laid before the four judges separately on the point on which their opinion was requested, and such records were put in their hands as would be likely to influence their decision. In the case of the three puisne judges who were consulted by the Solicitor-General Yelverton, and the two Serjeants, Montague and Crew, there was no difficulty in obtaining a favourable opinion. Bacon, who had taken the Chief Justice upon himself, found that he had a harder task. Coke met him at once by protesting against the course which had been adopted. It was altogether a novelty. It was not according to the custom of the realm. Every feeling of the man and of the judge was aroused against a proceeding which, whatever semblance it might wear in the eyes of Bacon, was undoubtedly, a direct attack upon his darling project of constituting the Bench as an arbitrator between the Crown and the nation.

The opinions of the three judges.

It was not without difficulty that Coke was induced even to take the papers which were offered to him. At last he consented to look over them, and told his rival that he would give him an answer in due time. After some delay the answer arrived. As might be expected, it was by no means satisfactory to Bacon.[1] There were two grounds upon

Coke's opinion

according to the custom of this realm."—Bacon to the King, Jan. 27, *Letters and Life*, v. 100. It is plain that the stress is laid upon being consulted in private. In a subsequent letter, giving an account of his own interview with Coke, this is put in a still clearer light. "Coke," he says, "fell upon the same allegation which he had begun at the council table, that judges were not to give opinions by fractions, but entirely according to the vote whereupon they should settle upon conference; and that this auricular taking of opinions, single and apart, was new and dangerous."—Bacon to the King, Jan. 31, *ibid.* v. 107. At a later time, no doubt, Coke expressed himself against the propriety of the law-officers consulting the judges at all (3 *Inst.* 29), and quoted a conclusive precedent in his favour from the *Year-Books*; but this point was never moved on the present occasion. Luders, in his *Consideration of the Law of High Treason*, iii. 113, acknowledges that it was the practice to consult the judges together.

[1] Bacon to the King, Jan. 27, 31, Feb. 14, *Letters and Life*, v. 100, 107, 121.

which the treasonable nature of Peacham's production might be questioned. The first was that the writing had never been published. The second was that, even if it had been published, it did not amount to treason. It does not appear whether Coke touched upon the former point at all; but he asserted boldly that no mere declaration of the King's unworthiness to govern amounted to treason unless it 'disabled his title.'[1]

Position assumed by Coke.

It is highly probable that in delivering this opinion Coke was actuated as much by temper as by reason, and there can be little doubt that in his previous contention that the judges might not be consulted separately, he was resenting an attack upon his own domination. Yet, even if this be admitted, it does not follow that his self-assertion did not, in some way, respond to a real want of the time. Bacon was, it may be, standing, more truly than Coke upon ancient custom; but it was an ancient custom which was fast losing its force. When the kings of old consulted their judges, they were themselves liable to checks of every kind from the nation itself in Parliament and out of Parliament. James had just thrown off the restraints of Parliament, and if he was to be under none at all, he would be a sovereign of another kind from those who had ruled in ancient days. So, too, it is easy to find fault with Coke's objection to the separate consultation of the judges whilst he had no objection to urge against their united consultation, or with his distinction between disabling the title and assailing the character of the King.[2] Such imperfect generalisations are the steps of progress, and Coke was at least stumbling forward in the right direction.

Whatever Coke's theories might be worth, their enunciation would be likely to influence the course of the proceedings which were about to be taken against Peacham in Somerset. It is true that the two judges, appointed to ride the Western Circuit were neither of them members of the Court of King's Bench, and as such were not immediately within the sphere

[1] *Innovations of Sir E. Coke, ibid.* vi. 92.

[2] For all that can be said on this score, see Spedding's *Letters and Life of Bacon*, v. 114.

of Coke's influence. But his authority carried weight with every lawyer. Bacon was therefore uneasy lest his opinion should get abroad. He did not scruple to advise that a false rumour should be deliberately spread, to the effect that the judges had only doubted whether the publication of a treasonable writing was necessary to bring the writer under the penalties of treason; 'for that,' he said, 'will be no man's case.' These last words reveal his real thoughts about the matter. He was afraid lest, if Peacham's writings were not held to be treasonable, the country would be flooded with seditious writings; whilst little harm would be done by declaring that publication was necessary to constitute the offence, as it would seldom happen that such papers would be seized before they had been shown to anyone by the writer. It is evident that Bacon was not merely interested in securing the King's favour by taking vengeance upon the unlucky prisoner, but that it was the bearing of the case upon those who might hereafter be tempted to assail the authority of the Crown, of which he was chiefly thinking.[1]

Bacon tries to conceal Coke's opinion.

His treatment of Coke's opinion.

A few days before this advice was given, directions had been given by the Council that Peacham should be sent down into Somerset for trial.[2] Either on that very evening or on the following morning, he told a tale which induced the Government to cancel the order for his removal, and to retain him for further examination. As a last resource, in hopes of escaping from being sent down, as he supposed, to almost certain death, he charged Sir John Sydenham, the brother-in-law of his patron, Mr. Paulet of Hinton St. George, with having suggested to him the objectionable words which had brought him into trouble.[3] Sydenham was immediately sent for,[4] and on the next day Paulet was also directed to come up to London, bringing with him five of his servants,

Peacham accuses Sir John Sydenham.

[1] Bacon to the King, Feb. 28, 1615, *Letters and Life*, v. 123.
[2] *Council Register*. Cancelled order, Feb. 24.
[3] Examination of Peacham, Aug. 31, 1615, *S. P. Dom.* lxxxi.
[4] *Council Register*, Feb. 25.

who were indicated by name.[1] As Peacham had brought no charge whatever against Paulet, it must be supposed that, as the words attributed to Sydenham were said to have been spoken while he was on a visit at Hinton St. George, it was thought advisable to have the testimony of those who were in the house at the time.

In the meanwhile the Bishop of Bath and Wells was employed to examine the prisoner once more. Peacham stuck to his story about Sydenham, but declared that he had no new names to give up. When asked whether Paulet had ever said anything objectionable to him, he replied that he must take time to answer that question. Bacon, who was by no means satisfied that Peacham's book had not been part of an organised conspiracy amongst the gentry of Somerset, recommended that Peacham should be told that he was to be sent down at once to take his trial, in order that he might be frightened into making further disclosures relating to the secrets with which he was supposed to be familiar.[2]

Peacham examined by the Bishop of Bath and Wells.

What explanation Sydenham gave we do not know. But as he succeeded without difficulty in satisfying the Council, we may be sure that the charge brought against him was a false one. After a detention of more than four weeks he was dismissed without a stain on his character. Two days later Paulet and his servants were also allowed to return home.[3]

The threat used to Peacham produced a different effect from that which had been expected. The alleged conspiracy having no existence whatever, Peacham had nothing to tell; and when he found that his first invention was only met by an order to be ready to prepare for his trial, he boldly denied that the papers were in

He denies his handwriting.

[1] Council to Paulet. *Council Register*, Feb. 26. That there was no charge even brought against Paulet, appears from the following passage in the order allowing him to return:—March 26. "Their Lordships have thought fit to dismiss the said Mr. Paulet, against whom there was no accusation at all, as also his servants afore-mentioned."

[2] Bacon to the King, Feb. 28, *Letters and Life*, v. 123.

[3] *Council Register*, March 24 and 25.

his handwriting at all, and that if he had ever said so, it was because he was afraid of being again put to the torture. He stated his belief that the papers were in the handwriting of a namesake of his, who had been in the habit of frequenting his house.[1]

Of course all this was a mere fabrication. Although the Government was probably at last convinced that no conspiracy existed, Peacham was sent to Taunton for his trial. He was there convicted without difficulty, as the two judges who went down for the assizes were sure to lay down the law in accordance with the views of Bacon and the King.[2]

His trial and conviction.

Shortly after his conviction, Peacham was again pressed to tell the truth. He made a statement that, after his treatise had been written, he heard Sydenham use words which seemed to him 'a confirmation of that which he had formerly written,' and that he had meant nothing more than this when he charged him with being the real author of his seditious writings. He declared that he had never intended either to publish them or to preach them. His purpose was to make use of them as an assistance to him in conversation, as soon as he had taken everything that was objectionable out of them.

He is again examined.

It was unlikely that such an improbable story as this should find belief. A man does not jot down his thoughts on loose sheets, and then write them out fairly, with a text at the head of them, for such a purpose as this. But if Peacham was a foolish and untruthful man, he was none the less an object of an oppressive interpretation of the law. The sentence of death,

[1] Examination of Peacham, March 10, Bacon's *Letters and Life*, v. 126.

[2] They were Chief Baron Tanfield and Serjeant Montague. I do not know whether they were appointed in regular order, but it was, to say the least of it, an unlucky circumstance that Montague should have had anything to do with the trial. He had not only been one of the law-officers of the Crown who had been employed to tamper with the judges, but, as the brother of the Bishop of Bath and Wells, who had been libelled by Peacham, he was unfit to be employed in the case.

indeed, which had been pronounced, was never executed. About seven months after his trial, he died in Taunton gaol. Gaols were, in those days, unhealthy places, and Peacham's death may have been hastened by the sufferings which he underwent. But all that is positively known is the fact of his death.[1] He was not a man in whom it is possible to take any personal interest; but his trial brings vividly before us the state of alarm in which a Government must have been before it attempted to obtain from the judges a decision that a seditious libel was an act of high treason.

1616. March. His death.

In Ireland as well as in England James found a difficulty in gaining acceptance for his mode of government. It is true that the accession of strength which the Plantation of Ulster had brought to the English Government had been so considerable that it was believed at Court that the neck of the Irish difficulties had been broken. Yet the very strength which James thus acquired was likely to lead him into difficulties, if it induced him to imagine that he could permanently defy the feelings and prejudices of the native population.

1611. Irish grievances.

The grievances of the Irish were various. Most of the port towns, in addition to their old hardships, had lately been deprived, by legal process, of a privilege, which they claimed by charter, of exemption from the payment of customs. The lords and gentry who refused to adopt the Protestant religion were stripped as much as possible of all political influence. At the same time, the chiefs who had accommodated themselves to English rule were in constant fear lest the example which had been set in Ulster might be imitated in other parts of Ireland.

There was, however, one question on which all classes agreed together; they all clung to the religion of their fathers. It was not only the faith which they had learned to honour from their infancy; it was the symbol of their independence,

[1] Chamberlain to Carleton, March 27, 1616, *Court and Times*, i. 392.

hung out in the face of the English Government, and every effort made to change their conviction only tightened its hold upon them. As long as Chichester remained at the head of affairs, the Government was not likely to proceed to extremities. Proclamations were issued for the banishment of priests, orders were given to deprive of their offices the magistrates who refused to take the oath of supremacy, and the shilling fine was still held threateningly over the heads of those who refused to attend the Protestant churches; but the Deputy's tact kept him from carrying these threats into execution, excepting in a few scattered instances.[1]

Such a condition of things was pregnant with future disaster. Enough was done to provoke opposition, and not enough to disarm it. It may indeed be conceded that it would be difficult enough for the Government to give up its long-cherished convictions, and to surrender a share in the administration of affairs to men who were regarded as traitors by the very fact of their refusing to take the oath of supremacy, and who were using all their influence to prevent the poorer classes from accepting that religion which, in official eyes, was synonymous with loyalty.[2] But, however difficult it may have been to recognise the fact, it is certain that Ireland could never be wisely governed until it was recognised that no force would ever be sufficient to compel Irishmen to adopt the religion of England.

A Parliament proposed.

But if the Government was blind in refusing to look the question of Irish Catholicism fairly in the face, there is something absolutely astonishing in the infatuation with which James allowed himself to hope that unless he paid some attention to the complaints of the Catholics, it would be possible to gather together in a Parliament the representatives of hostile races and creeds, without provok-

[1] In his letter to Salisbury of Nov. 1, 1611, Chichester says that the Pope has more hearts than the King. The only right way to act is to bring the nobility, lawyers, and the chief men of the corporations to church. But, he adds, this would cause a rebellion.—*Irish Cal.* iv. 310.

[2] See, for instance, the Report of the Bishop of Ferns in Mant's *History of the Church of Ireland*, 371.

ing an immediate collision. If, indeed, he had allowed the declaration of his intention to call a Parliament to be preceded by an announcement of his willingness to consent to a repeal of the disqualifications to which the Catholics were subject, he might have been welcomed as a mediator between the two bodies into which the inhabitants of Ireland were now unhappily divided. Without some such step as this he was merely opening a battle-field for contending factions.

Neither James nor Chichester had any such thought in their minds. They wished to procure a Parliamentary confirmation of the Ulster settlement and to open for Ireland an era of legislation. The members of the Irish Government, indeed, were not slow to perceive that, if they wished to have a majority they must make it for themselves. Unless they could fill the benches of the House of Commons with new colonists and Government officials, any measures which they were likely to propose would only be thrown in their faces by a hostile majority. They were not without good excuse for attempting to change the character of the House. The old constituencies represented only those parts of Ireland which had been reached by the English civilisation of the Middle Ages, and it was at all events necessary to extend the right of voting over the unrepresented districts. In assigning members to every county they could hardly go wrong. Of the 66 county members who would be thus elected, it was calculated that 33 would be found voting with the Government. On the other hand, it was certain that the majority of the members returned for the old boroughs would be sturdy recusants, and the only hope of out-voting them lay in an extensive creation of new constituencies.

The new constituencies.

It was accordingly proposed, in the autumn of 1611, that 36 new boroughs should receive charters empowering them to send no less than 72 members to Parliament, and as in these cases the right of election was confined to the exclusively Protestant corporations, there could no longer be any doubt on which side the majority would be. In the House of Lords no difficulty was expected. It was true that, of the 21 lay Peers who were of age, 16 were recusants; but

the 19 bishops were quite enough to turn the scale the other way.[1]

There was one thing which both James and Chichester had forgotten. Valuable as a Parliamentary majority is when it is the exponent of the feelings and opinions of a nation, men are not likely to pay much regard to its decisions when it represents nothing more than the unreasoning will of a set of Government nominees. The Irish Catholics saw at once that, in such a Parliament, their cause was hopeless. The tribunal by which they were to be judged was packed against them. It would be in the power of adversaries who would probably refuse even to listen to their case, and who would certainly not give themselves the trouble to understand it, to give the force of law to the most oppressive measures. Nor had they any prospect of being able to convert, at any future time, the hostile majority into a minority. While the Government was what it was, it would be able to maintain the requisite number of votes on its side as long as there was a hamlet in the north of Ireland which could be dignified by the name of a borough.

Feeling of the Catholics.

As soon, therefore, as it was known, in the autumn of 1611, that a Parliament was to be summoned, and that new corporations were to be erected, the Catholics were, by no means unreasonably, anxious to know what Bills were to be laid before the Houses when they met. According to the provisions of Poyning's Act, these Bills were to be sent over to England in order to be submitted to the Council for approbation, before the Irish Parliament was allowed to express an opinion upon them. At least in the course of a few months, therefore, Chichester might have been able to accede to their request ; but he was unwilling to admit them into his counsels, and preferred to leave them to imagine the worst. At last they obtained information, in some surreptitious way, that, amongst other unobjectionable proposals, there was one which affected them deeply. The English Council had been asked to give its sanction to a Bill by which

They wish to know what Bills are in preparation.

[1] Calculations of the division of votes, Oct. 1611, *Irish Cal.* iv 307.

every Catholic priest was to be banished from Ireland, under a penalty of being adjudged guilty of treason if he refused to leave the country, or afterwards returned to it. Nor was this all: any layman receiving a priest into his house, or affording him any kind of support, was for the first offence to pay a heavy fine, for the second to undergo the penalties of a præmunire involving imprisonment and confiscation of property, and if he was found guilty of a third offence was to suffer death as a traitor.[1]

1612. The proposed Bill against Jesuits and priests.

Such provisions as these were new to Ireland. Even if this were all, it would be enough to place every Catholic layman at the mercy of the Government; and it was obvious that the same arrangements which would render it possible to pass such a measure might be counted upon, with equal certainty, to give the force of law to any still more iniquitous scheme which it might please the King and his ministers to propose. Accordingly, on November 23, 1612, a petition was forwarded to the King by six of the Lords of the Pale.[2] They complained that the Deputy had not acquainted them with his proposed measures, and expressed their apprehension lest unfair advantage should be taken of the new

Nov. 22. The petition of the Lords of the Pale.

[1] The Bill is printed in a Latin translation by O'Sullivan (*Hist. Cath. Hib.* 240). I believe it to be genuine, not only because it explains the proceedings of the Catholic Lords, but because, excepting that it sets the fine at 400*l.*, it agrees with the notes of the proposed Bills in *Cott. MSS.* Tit. B, x. 289: 'An Act that Jesuits and seminary priests shall be adjudged traitors if they shall be found within that kingdom after a certain day to be preferred, and that their receivers and relievers shall for the first offence forfeit 100*l.*, for the second be in case of præmunire, and for the third in case of treason.' This is probably the Act which was actually sent over which is described in another copy of heads as 'An Act against Jesuits, seminary priests, and other disobedient persons,' &c. (Feb. 23, 1612, *Irish Cal.* iv. 439). Another Act. (*Cott. MSS.* Tit. B, x. 295), begins, 'All the statutes of religion made in England (especially concerning Jesuits, seminary priests, and recusants) to be enacted here;' but this was never adopted by the Irish Government. The list of proposed Bills in O'Sullivan (240) are mere notes of business, having, for the most part, nothing to do with Parliament at all.

[2] *Leland*, ii. 443.

corporations to give the force of law to extreme measures. Most of these corporations, they said, were erected in places which were mere hamlets. It would be far better to wait till commerce had, in the course of time, turned them into towns, and in the meanwhile to be satisfied with the representation which the county members would give to the newly-settled districts. If the King would call a Parliament in which Ireland was fairly represented, and would give his consent to the repeal of the penal laws already in existence, he would win the hearts of his subjects for ever.

To this letter no answer was vouchsafed. On February 24, 1613, Chichester, who had already received a grant of O'Dogherty's lands in Innishowen as a mark of his sovereign's favour, was raised to the Irish Peerage by the title of Lord Chichester of Belfast. Before the end of April the number of the new boroughs was swollen to 39, returning, together with the University of Dublin, 80 members to Parliament.[1] The session was appointed to open on May 18.

Feb. 24. Chichester raised to the Peerage.

Apparently as a matter of precaution, directions were given by the English Privy Council to send over Sir Patrick Barnwall, who had spoken strongly in opposition to the new boroughs.[2] On the 17th, the day before the meeting of Parliament, ten of the Catholic lords laid before Chichester a protest against the creation of the new boroughs, and after complaining of irregularities in the elections, objected to the choice of the Castle as the place in which the Parliament was to be held, on the ground that there was gunpowder enough in its vaults to blow up the whole assembly. Chichester replied that the new boroughs had had been created by the King's undoubted prerogative, that all questions relating to elections were subject to the determination of the House, and that the gunpowder in the Castle had been removed. Not being satisfied with his argumentative triumph, the Lord Deputy proceeded to ask 'of what religion

May 11. Barnwall sent for.

May 17. Protest of the Catholic Lords.

[1] *Irish Cal.* iv. 643.

[2] *Council Register*, May 11.

they were that placed the powder in England, and gave allowance to that damnable plot, and thought the act meritorious if it had taken effect, and would have encouraged the actors.' Nothing, he further explained, was in the way of a good understanding except 'the doctrine of Rome and the dregs of Antichrist.'[1] Such language was only too calculated to bring on that very misunderstanding which Chichester deprecated.

May 18. Opening of Parliament.

On the 18th the Deputy rode in state to St. Patrick's, before opening the session. As soon as the train reached the door of the Cathedral, the Catholic peers drew back, and remained waiting outside till the conclusion of the service, when they again took their places in the procession. Chichester rode straight to the Castle, and took his seat in the room which had been prepared for the House of Lords. After a long speech from the Archbishop of Dublin, who was also Lord Chancellor, the Deputy addressed the House of Commons, telling them that the King had recommended to them Sir John Davies as a man fit to be their Speaker, and that he hoped they would immediately elect him. When he had finished his speech, the Commons returned to their own house.

Election of a Speaker.

It was hardly to be expected that the Catholics in the House of Commons should take this recommendation in good part. As soon as Sir Thomas Ridgway had proposed the election of Davies, Sir James Gough, a staunch Catholic, started up and argued that both the members who represented the new boroughs, and those who, though they had taken their seats for old constituencies, were not residents in the places where they had been elected, were disqualified from sitting as members of the House. It would, therefore, be necessary to decide who had been lawfully chosen before they were entitled to elect a Speaker. As soon as he had said this, several members called out to him to tell them the name of the man whom he proposed instead of Davies. Gough, whose theory required that he should hold his tongue, and refuse to nominate anyone till the elections had been scrutinised, blurted

[1] Brief Relation, *Irish Cal.* iv. 732; Petition and answer, May 17, *ibid.* iv. 668.

out the name of Sir John Everard, a name which was dear to Irish Catholics as that of the man who had, for conscience' sake, resigned his dignified position upon the Bench. It was in vain that Sir Christopher Nugent and William Talbot, the legal oracle of the party, tried to bring back the discussion into its old channels. Sir Oliver St. John, with the authority of one who had been a member of the English House of Commons, rose to second Davies's nomination, and insisted on putting the question immediately to the vote. It was at that time customary that those who voted in the affirmative should leave the House, whilst those who voted in the negative should remain in their places. When, therefore, St. John and those who voted with him, were gone, the Catholics, seeing that they were in a minority, at first refused to be told; but when they saw that the field was left to themselves they were unable to resist the temptation of gaining a momentary advantage. Throwing their argument to the winds, they seated Everard in the chair before their opponents had time to return.

It was not likely that the leaders of the Government party should be disconcerted by such a manœuvre as this. Having quietly counted the number of Davies's supporters, they announced that, as their candidate had obtained 127 votes, and as, though their opponents had refused to be counted, it was impossible, from the numbers of those who were known to be present, that they could muster more than 97, Sir John Davies was duly elected Speaker of the House. Finding that Everard showed no signs of any intention to leave the chair, the two tellers, Sir Thomas Ridgway and Sir Richard Wingfield, took Davies in their arms and dropped him in his opponent's lap. Even this somewhat unparliamentary proceeding, however, was insufficient to effect its object, and it was only after an unseemly struggle, that the candidate of the minority was finally ejected from his seat. As soon as Everard and his partisans perceived that they had no chance in a conflict of this kind, they left the House in a body. When they reached the outer door they found it locked, and it was some time before they were able to make their way out. To all entreaties to return, they answered that those who

Struggle in the House.

remained were no House and that their Speaker was no Speaker. As justice was not to be obtained, they would appeal to the Deputy and to the King. As soon as the seceding members were gone, those who were left behind adjourned to the 21st, the day which had been fixed for the presentation of the Speaker to the Deputy.[1]

Before the Commons met again, the Catholic Peers signified their adhesion to the step which had been taken by the members of their party in the Lower House. On the 19th they joined with their friends in the Commons in requesting Chichester to forward to the King and the English Council a request that they might be allowed to send a deputation to plead their cause in London.[2] On the 20th the recusants of the House of Commons waited again upon the Deputy, and asked to be excused from attendance upon their duties, on the extraordinary plea that their lives were not safe. They also asked what authority Chichester had received from the King to empower him to erect the new corporations. On the 21st, which was the day on which the Speaker was to be presented, they at first expressed their willingness to take their places on certain conditions; but, after further consideration, they refused to do so unless the members for the new boroughs were sequestered from their seats until the elections had been examined. In this they were supported by the Lords, who also begged to be excused from attendance, and again asked that the whole matter might be referred to the King.[3] These conditions were, as a matter of course, rejected, and Chichester went down to the House and formally installed Davies in his office. On his return, he wrote to the English Government, giving a full account of what had passed, and recommending that the proposal of sending a deputation to England should be accepted.[4] The

Petition to the King and Council.

Davies installed as Speaker.

[1] Farmer's Chronicle. The Commissioners' Return; True Declaration; A Brief Relation, &c.—*Des. Cur. Hib.* i. 168, 196, 351, 404, 421. Farmer erroneously places the election on the 19th.

[2] The Petitions, *Des. Cur. Hib.* i. 197, 201.

[3] Brief Relation, *Irish Cal.* iv. 732.

[4] This letter is referred to in a letter of the Council to Chichester, *Council Register*, May 30, 1613.

next day eleven of the Catholic Lords formally seceded from the Upper House. It was in vain that a proclamation was issued by the Deputy, in which they were required to return to their places, if it were only to pass the Act of recognition of His Majesty's title. Chichester was told that they were quite ready to recognise the King's authority, but that they would never take their seats till their grievances had been redressed. Accordingly, finding that there was nothing to be done, Chichester adjourned the two Houses. On the 28th he despatched the Earl of Thomond, Sir John Denham, and Sir Oliver St. John to England, to give an account of his proceedings to the King; and a day or two later he gave permission to six of the recusants to follow. As soon as he had received an answer to his letter of May 21, he gave directions that others of the recusant members should go over to England to join the original deputation in laying their complaints before the throne.[1] On June 17, Parliament was prorogued to a more favourable opportunity.[2]

The deputation to the King.

The Irish deputation can hardly have expected that their complaints would be very favourably received. Even if they had had no prejudices to contend with in the mind of James, they must have known that, in its original shape, their theory was utterly irreconcilable with Parliamentary practice, and that in its final form of a claim to ignore the King's prerogative in the creation of boroughs until it had been confirmed by themselves, they were still more directly flying in the teeth of parliamentary usage. On the other hand, however, they knew that it was not of very much importance whether they had the letter of the law on their side or not. It was under the cover of strict legal right that the King had attempted to do them a great injustice. By the help of a factitious Parliamentary majority he had intended to give the colour of law to a policy which they justly regarded with abhorrence. All that it was necessary for them to do—all, in fact, that they were able to do—was to show him, in the plainest manner possible,

What chance had they of being heard?

[1] *Des. Cur. Hib.* i. 206, 207, 216, 426. Chichester and Council to the King, May 1613, *Irish Cal.* iv. 685.

[2] *Commons' Journals, Irel.* i. 11.

that they would not be parties to such a transaction. If the new settlers were to impose laws upon the older population of the country, it could not be helped; but, at least, their tyranny should be seen in its true colours. The work of a faction should not bear the appearance of proceeding from the representatives of the nation. So far the Irish Catholics had been successful, and they might even hope that their determined attitude might induce the King to reconsider his designs, and to learn that a constitution must be carried out in its spirit, and not merely in its letter.

Petition brought by the agents.

The petition,[1] which was brought over by the agents of the Irish recusants, was drawn up with some ability. It began with a complaint of the numerous false returns which were alleged to have been made by the sheriffs. After the slightest possible reference to the question of Everard's election, it passed on, leaving wholly unmentioned the contested right of creating new constituencies, to the only point upon which its authors were formally in the right. By an Act[2] which had been passed in the English Parliament in the reign of Henry V., and which consequently, like all the older English statutes, was valid in Ireland, it had been enacted that none should be elected to Parliament who were not resident in their several constituencies. The Act had long ago become obsolete in England, but it might fairly be argued that a time when an attempt was being made to carry unpopular measures through the legislature, by means of men of an alien race, was not one in which it was possible for Irishmen to surrender their strict legal rights on such a point.

The Irish deputation heard before the English Council.

On July 8 the question came on for a hearing before the King and the Council. An additional number of the members of both Houses had been sent for,[3] and they, as well as the original deputation, were patiently listened to. On the 17th James concluded the discussion by a speech, in which he told the complainants that he knew that the question of religion was at the bottom of the whole dispute; and that whether their objections to the elections were justifiable or

[1] *Des. Cur. Hib.* i. 211. [2] 1 Hen. V. cap. 1.
[3] *Des. Cur. Hib.* 230.

not, they were certainly in the wrong in seceding from Parliament. He then asked them whether they disputed his power to make new boroughs. They were forced to answer that they could not object to the prerogative which he claimed, but that they thought that the use to which he had put it was decidedly inexpedient.[1] They were then left to wait till James had time to consider their case, and to pronounce a decision upon it.

Talbot questioned.

Unfortunately, the amicable course which these proceedings were taking was interrupted by an unfortunate dispute between the Government and one of the leading members of the deputation. A book had recently been published by the Jesuit Suarez, in which the right of subjects to depose and murder their sovereigns, after sentence of deprivation by the Pope, was maintained in all its naked atrocity. In the course of the discussion, Abbot, who had made extracts from this book, laid them before the Irish who were present. One of them, William Talbot, who had taken a leading part in the contest in Dublin, hesitated to express his abhorrence of the doctrines in question, but, after some delay, signed a paper in which he asserted that the opinions of Suarez concerned matters of faith, of which he was not a competent judge. As for his own loyalty, he was ready to acknowledge King James to be his lawful Sovereign, and to bear him true faith and allegiance during his life.[2] With this the Council ought, undoubtedly, to have been content; but in those days the inexpediency of attacking speculative error by force was not so well understood as it is at present. Talbot was accordingly committed to the Tower.[3] A few days afterwards another member of the deputation, Thomas Luttrell, was sent to the Fleet for a similar offence.[4] Luttrell was probably released not long afterwards, but Talbot, having refused to make any further submission, at least until after orders had been given to proceed against him in the Star Chamber,[5] was

[1] *Lansd. MSS.* 156, fol. 241, 242.
[2] Bacon's charge, *Letters and Life*, v. 5; *Des. Cur. Hib.* i. 232.
[3] *Council Register*, July 17, 1613.
[4] *Ibid.* July 22, 1613.
[5] On Nov. 25, 1613, *ibid.*

sentenced by that Court to a fine of 10,000*l.* He was, however, permitted to return to Ireland, and, in all probability, the fine, as was usual in such cases, was remitted.[1]

1614. Jan. 31. Sentence on Talbot.

In addition to the original complaints, a paper had been handed in to the King, in which was set down a long list of grievances under which the Irish were suffering.[2] He accordingly made up his mind to send over four Commissioners, who were directed to investigate upon the spot all the charges which had been brought against the Government.[3] The four Commissioners, Sir Humphrey Wynche, Sir Charles Cornwallis, Sir Roger Wilbraham, and George Calvert, arrived in Dublin on September 11.[4] After a long and patient investigation, they sent over their report on November 12.[5]

1613. July 15. New grievances. Commissioners sent to investigate them.

In the first place, they reported that they had investigated fourteen cases in which complaints had been made of undue elections, amongst which they only found two in which the charge was, in their opinion, substantiated. In some cases it appeared that the Irish had not taken the trouble to make themselves acquainted with the English election rules; in others, the licence which the prevailing faction had allowed to itself was certainly not greater than that which was often taken by the sheriffs of English counties. After narrating the proceedings at the choice of the Speaker, and lamenting the evident prevalence of recusancy, they proceeded to comment on the general grievances of the kingdom. They acknowleged that much oppression had been exercised by the soldiers, but alleged that few complaints had been made on the subject, and that the Deputy was determined to lose no time in redressing the evils

[1] *Des. Cur. Hib.* i. 321.

[2] Delivered in on July 15, 1613, *Lansd. MSS.* 156, fol. 241 b. A fuller collection was delivered to the Commissioners in October, *Des. Cur. Hib.* i. 237. Compare i. 362.

[3] Instructions to the Commissioners, *Des. Cur. Hib.* 327.

[4] In *Des. Cur. Hib.*, i. 283, this date is given as the 25th. The Commissioners themselves say that it was the 11th, *ibid.* i. 362.

[5] The Commissioners' return and certificate, *Des. Cur. Hib.* i. 334.

petitioned against. Of the remainder of those complained of, they denied that some were grievances at all; for those the existence of which they admitted, they promised, in the Deputy's name, immediate redress.

As soon as this report was received in England, Chichester was directed to send over a certain number of the members of the two Houses, who had returned to Ireland in the preceding summer, in order that they might be present when the king delivered his judgment.[1] At the time when these orders reached Chichester, the Irish Catholics were in a state of considerable excitement. One of the members of the deputation, Sir James Gough, had given out, on his return, that the King intended to grant liberty of conscience. On examination, it proved that Gough had heard James say, as he had already said so often, that he had no intention of meddling with any man's conscience. He had neglected to report that the ordinary language of the King proved that these words had reference only to the secret belief of his Catholic subjects, and not to the external practice of their religion.[2] If the Catholics still misunderstood the King's intentions, they must have been undeceived by a proclamation which was shortly afterwards sent over from London, in which James declared himself to have been thoroughly satisfied with the course which Chichester had taken throughout the whole affair.[3] At the same time, Chichester was himself summoned to England to be present at the final sentence.

1614.

On April 12, 1614, James delivered his judgment. As might be supposed, that judgment was altogether against the Catholics. In almost every step which they had taken they had been formally in the wrong, and of this James was sure to make the most. The only point on which he gave way was, that the members for the few boroughs which had been created since the writs had been issued should not take their seats during the present Parliament.[4] On May 7, the Irish deputation was directed to sign a form of sub-

The King's decision.

[1] Council to Chichester, *Council Register*, Jan. 27, 1614.
[2] *Des. Cur. Hib.* i. 287.
[3] *Ibid.* i. 291.
[4] *Ibid.* i. 302.

mission which was presented to them. They did so, under protest that they merely meant thereby to testify their readiness to admit Davies as their Speaker, but that they had no intention of relinquishing their claims to the redress of the grievances of which they had complained.[1] A few days afterwards they were once more before the Council. Their legal objections were listened to, and Coke employed his unrivalled stores of learning to overthrow their assertions, by quoting a succession of English precedents.[2]

May 20. Coke disposes of their legal objections.

It was easy for Coke to gain a victory in such a contest as this. But it was far more difficult for James to decide upon a policy which would assure to him the loyal submission of his Irish subjects. When Chichester, who had been summoned to London in February in order that he might give an account of the country under his charge, returned to Dublin, he carried with him instructions which authorised him to put in force once more all the worn-out schemes for driving the Irish into the Protestant Church. He was to republish the proclamation for the banishment of Jesuits. He was to exact the shilling fine for recusancy. He was to take the sons of the Catholic lords from their parents, and to send them over to England for education. If the towns persisted in electing magistrates who refused the oath of supremacy, he was to confiscate their charters. Foreseeing that such orders as these were likely to rouse opposition, James added directions that citadels should be built at Cork and Waterford, that Dublin Castle should be put in a state of repair, and that all suspicious persons should be disarmed. It would also be more than ever necessary to make Ulster into a huge garrison against the Irish population, by forbidding those marriages which had already begun to take place between the Scottish colonists and the natives, and which threatened to obliterate the line of distinction which it was so necessary for the Government to preserve.[3]

Chichester instructed to carry out the laws against the recusants.

[1] Petition, May 8, *Irish Cal.* iv. 818.

[2] *Council Register*, May 18, 1614. *Lansd. MSS.* 159, fol. 110, 111 b.

[2] Instructions to Chichester, June 5, 1614, *Irish Cal.* iv. 834.

On the other hand, in a letter which was forwarded to the Deputy, not long after his arrival in Ireland, James announced his intention of overlooking the past offences of the recusant members, and of withdrawing the obnoxious Bill against Jesuits and their supporters, which had been originally the real, though not the ostensible, ground of the dispute. To this concession was added a direction not to allow the members of the eight boroughs which had been created since the issue of the writs to take their places. The same fate was to fall upon the representatives of three places which had not been able to show any right to elect members at all, and upon those of two boroughs where the elections had not been duly conducted.[1]

Withdrawal of the Bill against Jesuits.

What was likely to be the effect of neglecting the opportunity which had been offered to James to come to terms with his Irish subjects, by throwing overboard the irritating but ineffectual checks upon recusancy which were in existence, might have been learned by the perusal of a paper which was written about this time, apparently with a view to its being laid before the Government.[2] That by which the author was most struck was a new feature which had lately arisen on the face of Irish society. In former times rebellions had been partial; some part of the kingdom, or some class of the inhabitants, had remained faithful to the Crown; now, however, nothing of the sort was to be expected. For the first time, the merchants of the cities, the lords of English origin, and the native Irish were banded together, as one man, against the new colonists, and the alien religion which they brought with them. It was true that, for the present, the King's Government had force on its side; but let anything occur which would offer a chance of success to a rebellion, and there was 'just cause to fear the union of that people whose hearts are prepared to extirpate both the modern English and the Scots, which is not difficult to execute in a moment, by reason they are dispersed, and the natives' swords

Universal discontent.

[1] The King to Chichester, Aug. 7, 1614, *Des. Cur. Hib.* i. 323.

[2] 'A discourse of the present state of Ireland, 1614.' By S. C. *Des. Cur. Hib.* i. 430.

will be in their throats in every part of the realm (like the Sicilian Vespers) before the cloud of mischief shall appear.' It is true that the writer could recommend no better remedy against the evil than that which could be obtained by the building of additional forts, and by similar repressive measures; but his words of warning were none the less ominous, because neither he nor his readers were able to discern the true path of safety.

Prospects of a quiet session.

But if the distant prospects of the country were dark and lowering, all was bright in the immediate future. The concession made by the King in withdrawing the Jesuit Bill seemed likely to be rewarded by a quiet session whenever Parliament should again meet in Dublin. The recusants, finding that the intention was relinquished of forcing new laws upon them by means of a factitious Parliamentary majority, and having so far gained their object, saw that, whilst they had everything to lose by further opposition, they might possibly obtain additional concessions by taking part in the debates, and that at all events their presence would act as a check upon the Protestant members.

Meeting of Parliament.

Accordingly, when the new session began, on October 11, Davies took his place in the chair as quietly as if no disturbance had ever happened. On the following day, indeed, a member proposed that the disputed elections should be examined in the House. After some discussion, however, it was agreed to refer the whole question to a committee, which was chosen from amongst the members of both parties indiscriminately. After some time had elapsed, the committee reported that it would be advisable to let the question drop, at least for the present session; and in this decision the Catholic party, being unwilling to contest what had now become for them a mere point of form, at once acquiesced,[1] especially as they were assured that the present return should not be used as a precedent.[2] As to the Government measures for recognition

[1] *Commons' Journals, Irel.* i. 11, 14, 23. Davies to Somerset, Oct. 31, *Irish Cal.* iv. 905.

[2] St. John to Winwood, Nov. 4, *ibid.* iv. 912.

of the King's title, and for the attainder of Tyrone, they were all passed without difficulty.

There was, indeed, one point upon which Chichester foresaw that he would have greater obstacles to contend with. Like all Deputies, he was much in want of money, and the English Privy Council was always more ready to supply him with advice which he did not want, than with the gold of which he stood in need. Under these circumstances, an English Parliament would have been asked at once for a subsidy; but a subsidy had never once been heard of in Ireland, and it seemed a dangerous experiment to introduce a novelty of this kind at a time of such excitement. Accordingly, some weeks before the meeting of Parliament, an attempt was made to raise a Benevolence, in imitation of the contribution which was making such a stir in England.[1] It was, perhaps, because this measure was coolly received that the Deputy decided upon preparing a Subsidy Bill. As, however, it was necessary to send it over to England for approval, and the prevalence of westerly winds made it unlikely that an answer could be received in time to pass the Act before Christmas, Chichester determined to prorogue Parliament, and to hold another session in the spring of 1615. The prorogation accordingly took place on November 29. Before he had signified his intention, a paper was handed to him, containing a list of grievances, amongst which was found a petition that the recusant lawyers who had been debarred from practising since Chichester's return from England, might be permitted to resume their avocation.[2]

Postponement of the subsidy.

Prorogation of Parliament.

It was on April 18, 1615, that a third session was opened. Chichester replied to the grievances of the Commons, but could grant them no hope of the removal of the restrictions upon the lawyers. In spite of the disappointment, however, which the Catholics must have felt, they gave their full support to the Subsidy Bill, which was carried up to the Upper House

1615. Opening of another session.

Grant of a subsidy.

[1] St. John to Winwood, Sept. 3; *Irish Cal.* iv. 877.

[2] *Commons' Journals, Irel.* i. 44.

within ten days after the commencement of the session.[1] To increase the satisfaction of the Government, the Commons had renewed their order of the last session for allowing the question of the elections to drop for the present,[2] and were employing their time upon two Acts which, upon their own request, had been sent over to England at the close of the last session. By one of these all legal distinction was taken away between the different races by which Ireland was inhabited; by the other, a statute was repealed by which the intermarriage of Irish with Scots had been prohibited.[3] James, therefore, had consented to relinquish at least one of the measures which he had pressed upon Chichester when he left England in the preceding year.

Grievances.

It was impossible that the Catholic members should let slip the opportunity of expressing their hope that their conciliatory behaviour would be met in a similar spirit by the Government. It would seem as if Chichester had been desirous of meeting them half-way; for when the question of the recusant lawyers was brought forward, Sir Thomas Ridgway, who would hardly have acted in opposition to the Deputy, himself proposed that a petition should be presented in their favour. Accordingly, when on May 16,[4] the petition of grievances was presented, it was found to contain, amongst other recommendations, a wish that the recusant lawyers might be restored, and that the Act of Elizabeth by which the shilling fines were imposed might be repealed.[5] As there is no trace upon the Journals of any debate on these points, it is to be presumed that the proposals made received the assent of both parties. There must have been moderate men amongst the Protestants, who, after sitting for some time on the same benches with Sir John Everard and others who resembled him, must have discovered that, whatever theorists might say, there was no reason to fear lest the stability of the throne should be shaken by the cessation of a petty persecu-

[1] *Commons' Journals, Irel.* i. 61. [2] *Ibid.* i. 52.

[3] *Statutes of Irel.* 11, 12, & 13 Jac. I. cap. 5 and 6. These and the following statutes were passed in this session.

[4] *Commons' Journals, Irel.* i. 68. [5] *Ibid.* i. 92.

tion which only served to irritate those who were the objects of it.

To the petitions of the Commons were annexed a number of Bills, which they requested the Deputy to send over to England. As soon as he had received them, he prorogued the Parliament to October 24, when it was understood that a fourth session was to be held, at which it was hoped that the requests of the Catholics would be granted.

May 16. Prorogation of Parliament.

The Catholics, however, were doomed to disappointment. On August 22, James unexpectedly directed Chichester to dissolve Parliament; and on November 29, he wrote again to Chichester, recalling him from his post, and directing him to hand over his authority to the Chancellor and Sir John Denham, who were to act as Lords Justices till the appointment of a new Deputy.[1] It is difficult to resist the conclusion that the real cause of Chichester's recall was his unwillingness to turn a deaf ear to the petition of the Commons. We know that, since his return from England, he had done little or nothing to carry out the King's instructions to put in force the laws against the recusants. An abortive conspiracy, which had been discovered in Ulster at the close of 1614, may well have warned a man who was less ready than Chichester to accept the teaching of facts, that it was not a time to provoke additional enmities. The part taken by Ridgway in the last session, too, is enough to render it extremely probable that the petition which he advocated was not disliked by the Deputy.[2]

Dissolution of Parliament and recall of Chichester.

[1] The King to Chichester, Aug. 22, Nov. 29, *Irish Cal.* v. 159, 187.

[2] Soon after taking possession of his office, Chichester's successor wrote a letter which countenances the idea that the question of the treatment of the recusants was at the bottom of the change. His Majesty's affairs, he wrote, prosper in all things, 'saving in that strong combination of recusancy wherein the well or ill doing of this state doth much depend. I make no doubt of the strength of His Majesty's laws in force in this kingdom, if it be extended unto them with convenient moderation, but will work alteration in many of the most obstinate. It hath been at sundry times worthily begun heretofore, *but there hath wanted constancy in the pursuit, whereby it hath been esteemed a work of humour, and for particular*

If it be really the case that his recall was owing to his unwillingness to engage in a fresh career of persecution, all that can be said is, that it was a worthy end to the government of such a man. Once more, when so many were blind to what was passing around them, and when even his own prejudices stood in his way, he saw the only path in which it was possible to walk with safety. This time he was forced to give way to lesser men.

His government of Ireland.

However this may have been, his government of Ireland needs no eulogium beyond the plain and simple narration of his actions. Of Chichester it can be said, as it can be said of few, that, if he failed to accomplish more than he did, it was because he was seldom, if ever, allowed to carry out his own designs in his own way. If full powers had been granted to him to deal with Ireland according to the dictates of his own wisdom, the blackest pages in the history of that unfortunate country would never have been written.

ends, rather than a prosecution founded upon solid judgment. These people must be otherwise dealt withal. They must not find us abandoning the ground we get, for they will sooner invade upon us. It behoves us to be doing somewhat, and to be doing always, and that legally, moderately, and constantly; otherwise we shall but spin and unspin, and never produce any worthy or profitable effect. Particularly the actions of the towns, they grow daily in disobedience, refusing in divers of them to elect any chief magistrates, because they that should supply the places are all recusants.' St. John to Winwood, Dec. 31, 1616, *Irish Cal.* v. 305.

CHAPTER XIX.

THE OPPOSITION TO SOMERSET.

It was not only in Ireland that the language of the recusants alarmed James. In England, John Owen, a Catholic of Godstow, used expressions to the effect that it was lawful to kill the King, being excommunicate. These words appear to have meant that it was lawful to kill the King, if he were excommunicated. Bacon held that the words were treasonable, as the very fact of putting such an hypothesis was evidence that the speaker assigned to the Crown a position of subordination to the Pope.[1] The judges of the King's Bench were consulted,[2] and were equally clear that the words used amounted to treason. But, much to Bacon's annoyance, though Coke came to the same conclusion with himself, he arrived at it by a different road. He argued that there was nothing hypothetical in the words at all; but that, as the Pope was accustomed once a year to include, under a general excommunication, all Calvinists, together with other heretics and schismatics, the King was undoubtedly an excommunicated person, and Owen's expression amounted to a direct assertion that it was lawful to kill him. Bacon, who had always an eye to the political consequences of a legal opinion, felt that it

Owen's case.

[1] That Bacon retained his opinion on this subject is plain from his language in relating Sir William Stanley's case: 'History of Henry VII., *Works*, vi. 151.

[2] The King suggested that they should be consulted separately, as in Peacham's case; but Bacon told him that it was unnecessary, as the case was so clear.

would never do to use such an argument publicly in court. If it should be generally understood that the King had been excommunicated by the Pope, the risk of assassination would be considerably increased. In spite of all that Bacon could do, however, Coke refused to give up his opinion, and in delivering his sentiments at the trial, he defended the legality of the proceedings on the ground which alone appeared to him to render them justifiable. But, whatever may have been the difference between the views of the Attorney-General and those of the Chief Justice, the prisoner reaped no benefit by it. The jury brought in a verdict of Guilty, without troubling themselves about the arguments by which their verdict could be sustained,[1] and sentence of death was passed in due form. No steps, however, were taken to carry it out. Owen remained in close confinement for more than three years, when he was liberated at the request of the Spanish Ambassador, on condition of leaving the country.[2]

Undeterred by the mutterings of discontent to which the collection of the Benevolence had given rise, the Government, anxious to escape at any cost from its financial difficulties, had recourse to means which were not likely to increase its popularity in the City of London. The King's proclamation, by which he had hoped, in 1611, to restrain the increase of buildings in London and Westminster, had not been attended with any effect. He now determined to make one more effort to check what was considered to be the over-population of the capital. In October, 1614, an order was issued to the aldermen of London, and to the justices of the peace in the neighbouring counties, to report on the condition of the buildings.[3] In the following May a commission was issued to the whole of the Privy Council, to whom some of the judges and other persons of note were joined.[4] They were to summon before them all persons who

Commission for compounding for fines on buildings.

[1] Bacon to the King, Jan. 27, and Feb. 11, *Letters and Life*, v. 100, 118. *State Trials*, ii. 879.

[2] Pardon of Owen, July 24, 1618, *S. P. Sign Manuals*, ix. 45.

[3] *Council Register*, Oct. 16, 1614.

[4] May 15, 1615, Pat. 13 Jac. Part 1.

had built new houses, or who, in rebuilding old ones, had constructed the fronts of wood, and to fine them for their offences. The same fate was to overtake those who had let part of their houses to lodgers, if they had not done so previously to Michaelmas, 1603. The obloquy which James brought upon himself by this attempt to help out his exchequer by such means was enough to induce him to issue a proclamation, two months later, in which he declared that he had never thought of his own profit, and that, in order to prove the sincerity of his statement, he had consented, not, as might be supposed, to remit the fines, but to give a positive and final order that nobody should build any more houses; in which case there would, of course, be no fines to levy.[1] The sum obtained by the Commission had been no more than 4,000*l.*, an amount which can hardly be regarded as sufficient to counterbalance the irritation which was caused by the mode in which it was obtained.

On the same day as that on which the aldermen and justices were required to report on the growth of London, a letter was addressed by the Council to the Lord Mayor, requiring him to examine into the progress of an evil of an equally alarming description. It had reached the ears of the Government that the brewers of London were in the habit of brewing exceedingly strong beer, and thereby of breaking the laws which had been made for the purpose of preventing the unnecessary consumption of barley.[2] The Lord Mayor was to examine into the facts, and to make a report to the Council. This, however, was not the only point on which the Government was brought into collision with the brewers. The money owed for two thousand casks which had been taken for the King's household was still unpaid, and it was rumoured that there was an intention of laying an imposition of twopence a barrel upon beer. In these straits, the brewers discovered in the charter of the city of London a clause by which they were, as they fancied, exempted from purveyance, and on the strength of this they demanded immediate payment of the

1614. Oct. 16. The brewers.

[1] July 16, Proclamation Book, *S. P. Dom.* clxxxvii. 44.

[2] *Council Register*, Oct. 16, 1614.

debt owing to them. The Council sent Bacon to prove to them that the King was not bound to pay ready money for any article above the value of forty shillings, and at the same time declared explicitly that the rumour of the intended imposition was a mere fabrication. The money owed should be paid immediately, and similar debts should in future be met at the close of every year.[1] With this the brewers were obliged to be content, and they were also forced to enter into bonds of 100*l.* each, that they would in future brew beer sufficiently weak to please the Lords of the Council.[2]

The question of Cleves and Juliers.

The dissolution of Parliament, and the consequent failure to bring supplies into the Exchequer, were certain to diminish any weight which James might otherwise have had in his interference with the conflict which seemed to be on the point of breaking out on the Rhine. There can be little doubt that the Spaniards were emboldened by the attitude of the House of Commons. As soon as the news of the dissolution reached Brussels, the agent of the English Government found himself in the midst of politicians who confidently predicted the speedy outbreak of a rebellion in England,[3] and though the event proved that they had miscalculated the extent of the national spirit of endurance, they would not be wrong in concluding that James would, at such a moment, find it impossible to send an army into the Duchies.

Wotton's negotiations.

The Treaty of Xanten.

Some weeks before Spinola entered the disputed territories, James had sent Wotton to the Hague, in the hope of being able to settle the question by negotiation, and even after the invasion had taken place, he continued to direct him to do what he could to bring the quarrel to an amicable termination. Conferences were held at Xanten, at which the English and French ambassadors appeared as mediators. An arrangement was at length

[1] *Council Register*, Dec. 4, 1614. The story of the imposition is given by Chamberlain in a letter to Carleton of November 24. Perhaps it originated in a proposal for a composition for purveyance, such as had been by this time pretty generally adopted in the counties.

[2] *Council Register*, Feb. 16, March 26, 1615.

[3] Trumbull to Winwood, June 30, 1614, *S. P. Fland.*

come to on November 2, 1614, by which the two rivals agreed to share the revenue and other advantages of the government between them, but to make a division of the territory, which should be valid till some final decision should be taken.[1]

It was not without difficulty that the claimants had been induced to submit to these stipulations. But a still greater obstacle arose as soon as it was proposed that the Dutch and Spanish troops should evacuate the Duchies. Spinola proposed that both parties should agree never to enter them again. Maurice, who was afraid that the Elector of Brandenburg might be attacked by the German Princes of the Catholic League, could only be brought to declare that he would never return so long as the Treaty of Xanten was maintained intact. To make matters worse, Spinola received an order from Spain to hold Wesel until the King had made up his mind whether he would give his consent to the observance of the treaty or not. The conferences broke up, and the two armies remained face to face, each occupying the ground upon which they stood.

Difficulties between the Dutch and Spaniards.

During the whole of the early part of the following year, James was labouring indefatigably to find some form of agreement which would satisfy both parties. At last he obtained the assent of the Archduke to a form which permitted the Dutch to enter the territories in the event of war breaking out.[2] To this the States-General demurred. They wished a clause to be inserted which would enable them to pass through the Duchies, in case of an attack being made upon their other German allies. Here James refused to support them. To him it was a mere question of regulating an ordinary dispute relating to a definite portion of

1615. Renewed negotiations.

[1] Dumont, *Corps Diplom.* v. part ii. 259.

[2] Bentivoglio, *Relationi*, 186. Wotton's correspondence, Aug. 1614–Aug. 1615, *S. P. Hol.* The form proposed was, 'Et promettons en oultre que les dicts gens de guerre ni aucuns dependants de nous ne rentreront à l'advenir dans les dicts pays pour y prendre aucune place soubs quelque nom ou pretexte que ce soit, sy non en cas qu'iceulx pays vinssent à tomber en nouvelle guerre ouverte ou invasion manifeste soit facte sur aucun de nos amis dedans les dicts pays.'—*Add. MSS.* 17, 677, I. fol. 51 a.

territory. To them it was only a part of the great quarrel which must sooner or later be brought once more to the arbitration of war. Between the two Governments, therefore, there was no possibility of agreement. The Dutch retained their hold upon the fortresses which were garrisoned by their soldiers, and kept the road to Germany open. James, after fruitless attempts to persuade them that they were unreasonable and in the wrong, withdrew his ambassador, in order to bring these fruitless negotiations to a close.

Recall of Wotton.

Unfortunately, the question of the evacuation of the fortresses on the Rhine was not the only subject upon which a disagreement existed between the two Governments, at a time when it was above all things desirable that a good understanding should be maintained between the leading Protestant powers.

Commercial rivalry between England and Holland.

The claim which had been put forward by the English to the exclusive right in the Northern whale fishery could not possibly be acknowledged by the hardy Dutch sailors who had spent their lives in battling with the Polar seas. It was evident that, unless concessions were made, a collision would, sooner or later, ensue.

The whale fishery.

It was of still greater importance to settle as speedily as possible the disputes which had already begun to arise out of the lucrative commerce of the East Indian seas. That commerce had, for almost the whole of the sixteenth century, been a monopoly in the hands of the Portuguese. But with the absorption of Portugal in the Spanish empire, and with the growing weakness of Spain itself, the thought of disputing this monopoly occurred to the merchants of other nations. In 1595, Dutch ships made their way round the Cape, and by degrees the Portuguese found themselves supplanted in their most valuable commercial stations. In 1602, the great Dutch East India Company was formed by the union of the smaller associations by which these original enterprises had been undertaken. Their ships were fitted out for fighting as well as for conveying merchandise. The Portuguese, emboldened by their long supremacy in those seas, had rendered themselves obnoxious to many of the native princes

The East India trade.

by their overbearing demeanour. The Dutch skilfully availed themselves of this feeling, and constituted themselves the protectors of the natives. In this way they easily obtained permission to erect their factories, and even induced the sovereigns whom they had defended to enter into contracts with them, by which they engaged to sell to them alone the most valuable produce of their territories. By these means the whole of the commerce of the finer spices which were produced in the islands of the Eastern Archipelago fell into their hands. What this trade was worth may be imagined from the fact that in 1602 an English vessel brought a cargo of cloves from Amboyna, which sold for more than twelve hundred per cent. upon its cost price.

In 1599, a handful of London merchants applied to Elizabeth for permission to trade to the East Indies. At first she turned a deaf ear to their request, as the negotiations at Boulogne were in progress, and she was unwilling to do anything which might bring her into additional antagonism to the Spanish Government. But as soon as her hopes of peace were at an end, she expressed her readiness to listen to their proposals, and in the following year she granted them the charter which they desired. The English East India Company, thus founded, pushed on in the track of the Dutch sailors who had preceded it in those seas. Neglecting the great country with which its future history was to be indelibly associated, its first factories were erected at Acheen in Sumatra, and at Bantam in Java. In was not till 1608 that the agents of the Company reported that the cloths and calicoes of Hindustan were in request in Sumatra and Java, and suggested that if factories were established at Cambay and Surat, they might get into their hands the trade between the islands and that part of the continent. In 1612, some English ships, which, in an attempt to act upon this suggestion, were engaged in opening the trade at Surat, were attacked by an overwhelming force of Portuguese, who were unwilling to tolerate the presence of intruders on a coast which they had so long looked upon as

1599. The English East India Company.

1600.

Factories at Acheen and Bantam.

1612. Trade with Surat.

their own, and which they overawed by means of a succession of fortified posts dependent upon the chief station at Goa. In spite of the superiority of numbers, however, they were doomed to disappointment. The English vessels, after a hard struggle, succeeded in driving off the enemy. The natives here, as everywhere else, looked upon the Portuguese as oppressors, and, in consequence of their victory, the English had no difficulty in obtaining permission to establish a factory at Surat.

In the following year one of the factors of Surat travelled to Ahmedabad. On his return, he reported that it would be advantageous to open a direct trade with the markets in the interior, and recommended that a resident should be sent from England, who might obtain the necessary facilities from the Mogul Emperor.

The factory at Surat.

The person selected for this novel enterprise was Sir Thomas Roe. Like Sir Henry Neville, he was one of those men who, if James had been well advised, would have been the very first to be selected for high office. In 1609 he had made a voyage to Guiana, and had sailed the broad waters of the Amazon. In 1614 he had taken his place in the House of Commons, and had given a firm but loyal support to the principles of Sandys and Whitelocke. He was thus admirably qualified to act with that body of men who were prepared to stand as mediators between the past and the future, and to show that the loyalty and patriotism of the Elizabethan age were not incompatible with the growing spirit of independence with which the nation was pervaded.

Sir Thomas Roe.

With the dissolution all hopes of usefulness for him at home were at an end, and we may well believe that he now looked without dissatisfaction upon the distant and perilous employment which was proposed to him. He left England in the spring of 1615, and upon his arrival in India made his way without delay to the court of the Emperor Jehanghir at Agra. During his stay there he forwarded several wise suggestions to the Company. He advised them not to attempt to become a political power, or to waste their money, like the Portuguese, in building forts and batteries.

1615. His embassy to Agra.

His advice to the Company.

This advice was undoubtedly the best which could be given at the time. As long as the whole of Northern India was in the hands of a powerful Sovereign, it was better that a body of traders should be able to show that they trusted implicitly to his protection. With that protection they were unable to dispense, as it would be hopeless for a handful of foreigners to attempt to maintain themselves in a corner of the empire by force of arms. The time when anarchy and weakness made a different course advisable had not yet arrived.

In the same spirit, the Ambassador pointed out that his own mission was altogether a mistake. What was needed was a native resident who would represent their wishes in the same way as the wishes of any other body of traders might be brought before the Emperor. The authority with which a representative of the King of England was obliged to speak only made it more difficult to obtain privileges for those who, after all, were only merchants exercising their avocation on sufferance.[1]

1611. The Company dissatisfied with the loss of the spice trade.

This extension of their trade did not, however, compensate the Company for the loss of their commerce with the Spice Islands, of which they had been deprived by the encroachments of the Dutch. It was in 1611 that the English East India Company first laid its complaints before the Government. Their Dutch rivals had taken possession of all the posts which were most advantageous for trade, and their armed vessels and the fortifications which they had erected were sufficiently powerful to keep the English at a distance. Salisbury immediately forwarded to Winwood the complaint which had been laid before him, and directed him to lay it before the States-General.[2] The reply of the States was conciliatory, and promises were made that orders should be sent out to the Dutch merchants to desist from their proceedings. This was very well as far as it went;

[1] Bruce's *History of the East India Company*; Mill's *History of British India*.

[2] Petition of the East India Merchants, Nov. 1611, *S. P. East Indies*, No. 591. Notes of negotiations, 1613, *S. P. Hol.*

but it was exceedingly problematical whether such orders would meet with obedience on the other side of the globe.[1]

In the meanwhile a proposal was made by the Dutch for an amalgamation of the two Companies.[2] This proposal proving distasteful to the English, commissioners, of whom the celebrated Grotius was one, were sent over to London in the spring of 1613.[3] The negotiation came to nothing ; but towards the end of the following year James determined to take it up again, and accordingly directed Clement Edmondes, the Clerk of the Council, together with two other commissioners, to betake themselves to the Hague, to treat upon the disputed points, under Wotton's superintendence. At the same time they were ordered to try to come to some terms on the subject of the disputed fishing-grounds.

1614.

The commissioners arrived at their destination on January 20, 1615. The discussions were carried on till the beginning of April, when the negotiations were finally broken off. The English began by demanding that the principle of freedom of trade should be at once accepted, as the starting-point of the deliberations. The Dutch replied that they had been at considerable expense in equipping fleets, by which the seats of the spice trade had been cleared of the Portuguese, and that the native princes who had been succoured by them were under contract to furnish the produce of their territories exclusively to them. It was not fair, therefore, that the English should share in the benefits which others had gained only after a considerable expenditure of men and money.

1615. Negotiations at the Hague.

Upon this the English professed their readiness to bear their fair share in the defence of the islands against the Spaniards and Portuguese. This, however, was not sufficient for the Dutch. They declared plainly that the only condition on which the English could be admitted to an equality with Holland in the spice trade was an engagement to join in an aggressive warfare upon Spain, at least beyond the Cape.

[1] Winwood to Salisbury, Jan. 31, 1612, *S. P. Hol.*

[2] Winwood to Salisbury, March 10, 1612, *S. P. Hol.*

[3] Negotiation, March 23–April 20, 1613, *S. P. East Indies*, No. 643.

When the Eastern seas were swept of every remnant of Portuguese commerce, then the English and the Dutch might jointly exercise as complete a monopoly in the East Indies as that which was claimed by Spain in the West. To this proposal the English Commissioners gave a decided negative. The negotiations on this important question having come to an end, no attempt was made to continue the discussion which had been already commenced on the subject of the fishery.[1]

This constant bickering between the English Government and the States-General could not fail to exercise a favourable influence upon that understanding with Spain which was growing up partly by reason of James's dissatisfaction with his last Parliament, but still more through his belief that the Spanish monarchy was the chief conservative power in Europe. Yet in spite of the overtures which he had authorised Sarmiento to make shortly after the dissolution, he had not decided to break with France. In July, 1614, he was delighted to hear that Suarez' book had been publicly burnt in Paris, and there were some who thought that the news had something to do with the tardy instructions given in the course of that month to Edmondes to return to his post as ambassador in France[2] in order that he might lay before the Queen Regent the English counter-proposals on the marriage treaty, which he had brought over in February.[3] To these, however, James received no immediate answer, and as the autumn drew on he was told that it was impossible to consider the subject until after the conclusion of the expected assembly of the States-General.

1614.

The fact was that the Queen Regent had no longer any heart for the English alliance. It would, perhaps, be unfair to say that she allowed the English proposals to be listened to simply in order to content the Princes of the Blood, and the other great

[1] Despatches and negotiations of Clement Edmondes, *passim*. Feb. 4–April 18, 1615. *S. P Hol.*

[2] Sarmiento to Philip III., Oct. 17. *Simancas MSS.* 2591, fol. 99.

[3] Instructions to Edmondes, July 1614, *S. P. Fr.* Amongst other things James said that the Princess should be allowed private worship, although he did not doubt that she would soon be induced to conform to the Church of England.

nobles who were dissatisfied with the Spanish marriages. She, no doubt, knew very well that it was advisable, for the interests of France, not to put herself unreservedly in the hands of Spain; but, at all events, it is plain that her sympathies were not with England.

It would be impossible to play this double game much longer. The States-General, which met in October, could hardly be dissolved without forcing her to declare her policy.

The States-General.

It is a strange and instructive contrast which meets the eye of anyone who glances over the records of those two assemblies which met on either side of the Channel in the course of the same year. In Westminster, the Commons called upon the House of Lords to assist them against the King. In Paris, the Third Estate called upon the King to assist it against the other two. On both sides of the Channel justice was on the side of the representatives of the people. But whereas in England the House of Commons represented the force as well as the rights of the nation, in France the Third Estate was powerless unless the Sovereign would lend it the strength of that organization which he alone could give. Between it and the privileged orders there was a great gulf, which it was in vain to attempt to bridge over. One day an orator from amongst the Third Estate spoke of the other orders as the elder brethren of the family to which his own class belonged. The nobles and the clergy shrank back with horror at the profanation, and the boy-King was brought down in state to bid the Third Estate ask pardon for the insult which it had offered.

There was not one of the points upon which the Third Estate insisted to which James, if he had sat upon the throne of France, would not have given his hearty concurrence. These men would have made Louis XIII. a king indeed. They called on him to withdraw from the nobility the pensions which were wrung out of the people, to take his stand against the encroachments of the Papal power by imposing an oath of allegiance, and to withdraw from the clergy certain privileges which were oppressive to the people. It was all in vain. The Regent had taken her side. Her son should be King of the nobles and the priests; he should not be the King of the

people. The last States-General of monarchical France were dismissed abruptly, but not before the ominous words had been heard, 'We are the anvil now; the time may come when we shall be the hammer.'

Dec. Sarmiento's view of the Spanish marriage.

The hesitation of the French Court could not fail to drive James in the direction of Spain. Spain was indeed quite ready to welcome his overtures provided it was not required to bind itself too strictly. 'Supposing,' wrote Sarmiento in December, 1614, 'that what this King offers and capitulates in favour of Catholics is to be carried out immediately, and the Lady Infanta will not be given up for years, it is to be hoped that, during this time, the Catholic religion will have become so powerful in this country, and everything which at present is unsatisfactory will have improved so much that His Majesty will be able to act with all security, and that afterwards it might be that the Prince himself may wish to see Spain, and go to be married there, and hear mass and a sermon in the Church of Our Lady of Atocha.'[1]

Digby at Madrid.

Ignorant of these far-reaching plans Digby started for Madrid. He had not been there many days before he showed that he was by no means inclined to be the humble servant of the King of Spain. When the articles were laid before him, there was scarcely one against which he had not some objection to raise, and it was not till some months had passed that he agreed to forward them to England. Even then the negotiations were not to be considered as formally opened. Until James had given his consent to the articles, the negotiation with France was not to be broken off, and all that passed between Lerma and Digby was to bear an unofficial character.

Sarmiento knew that, if Digby proved adverse, he would be able to fall back upon Somerset. It was in the autumn of 1614

[1] Sarmiento to Lerma, Dec. $\frac{7}{17}$ *Madrid Palace Library*. I owe my knowledge of the documents quoted from this library, and from the *Madrid National Library*, entirely to the transcripts of Mr. Cosens. I have also been allowed to look over his transcripts of *Simancas MSS.*, some of which I had not met with in the course of my visits to the Spanish archives.

that the influence of the Scottish favourite reached its highest point. As Lord Chamberlain he was in constant attendance upon the King, and though he had not the official title of Secretary, he was treated as a confidential adviser far more than Winwood, through whom the correspondence with the ambassadors ostensibly passed. In spite of all his frivolity, there was something not altogether despicable in Somerset's character. Although he took care to fill his own pockets with the money which was offered to him by men who wished to obtain the King's consent to their wants, at least no public scandal is to be traced to him. We never hear of any attempt, on his part, to interfere with the due course of the law, or to obtain assignments of duties upon commerce. In his dealing with his dependents, he frequently displayed a generosity for which we are hardly prepared. But his connection with the Howards ruined him. The most respectable members of the Privy Council—Ellesmere, Pembroke, and Worcester—began to look upon him not merely as an upstart, but as a man who was prepared to influence the King in favour of their rivals.

Somerset's influence with the King.

All this time, the attention of all who hated Somerset was turned upon a young man who had lately made his appearance at Court. It was at Apthorpe, in the beginning of August 1614, that George Villiers first presented himself before the King. He was of singularly prepossessing appearance, and was endowed not only with personal vigour, but with that readiness of speech which James delighted in.

First appearance of Villiers.

He was a younger son, by a second marriage, of Sir George Villiers, a Leicestershire knight of good family. His mother, Mary Beaumont, was not inferior by birth to her husband, but in early life she had occupied a dependent position in the household of her relation, Lady Beaumont of Coleorton.[1]

[1] Wilson calls her 'a young gentlewoman of that name allied, and yet a servant to the lady' (*Kennet*, ii. 698), which is more probable than that she was a kitchen maid at her future husband's own house, which is Roger Coke's story. Weldon calls her (*Secret History of the Court of James I.*, i. 397) 'a waiting-gentlewoman;' if she had really served in a menial office, he would hardly have lost the opportunity of saying so.

When she became a widow her means were once more straitened, and she was burdened with the charge of providing for a family which consisted of three sons and a daughter. George, her second son, was her favourite, and she determined to educate him for a courtier's life. As far as solid intellectual training was concerned, she did nothing for him; but she used every means in her power to perfect him in all external accomplishments.

When James first saw him he was in his twenty-second year. It was an anxious moment both for his mother and himself. If he did not succeed in impressing the King in his favour, no other career was open to him. Almost the whole of his father's property having descended to the children of the first marriage, all his fortune amounted to a miserable 50*l.* a year, and his education had unfitted him for any of the ordinary means of raising himself in the world.

He comes to Court.

Fortunately, however, for him, at least as far as his more immediate prospects were concerned, James seems to have liked him from the first, and, if he did not himself invite him to Court, was by no means displeased to see him there. According to one account the early favour which James showed to Villiers was the result of a compact between himself and Somerset, who thought that if the King sometimes treated the young Englishman with civility, it would shut the mouths of those who alleged that he sacrificed himself to Scotchmen.[1] Those, however, who wished ill to Somerset, soon took him in hand, and instructed him how to gain the ear of the King. Sir John Graham, one of the Gentlemen of the Privy Chamber, gave him a piece of advice which he accepted without difficulty. He was attached to the daughter of Sir Roger Aston, and it is said that she would have been his wife if he had been able to scrape together the little sum which her parents required before they could prudently consent to the marriage. Graham advised him to think no more of entangling himself in such a manner at the very beginning of his career. This advice he determined to take.

[1] Somerset to Lerma, May $\frac{6}{16}$, 1613, *Madrid Palace Library.*

If he felt any compunction at the step, he managed to conceal it from the knowledge of the world.

In November, the supporters of Villiers were in hopes of obtaining for him a post in the bedchamber. Somerset, however, remonstrated, and the King, who appears to have formed no intention of deserting his old favourite, gave the place to one of Somerset's nephews.[1] Villiers was obliged to content himself with the inferior position of a cup-bearer.

It was apparently a month or two after this that James began to take umbrage at Somerset's behaviour. Somerset's position had, no doubt, long been a trying one. It is plain from the manner in which the King is referred to in the letters which Overbury wrote from the Tower, that even at that time Somerset had no respect whatever for his patron. He had already accustomed himself to look upon the King's company as a necessary evil, which must be endured on account of the benefits which were to be obtained through the Royal favour. He now became aware that there was a powerful league formed against him. He heard men muttering that one man should not for ever rule them all. Villiers' presence provoked him, and he treated him with studied insolence. As if it were not enough that he had alienated the affections of all excepting the family of the Howards, he now proceeded to do his best to offend the King. He seems to have thought that James was a mere plaything in his hands. He disturbed him at unseasonable hours by complaints of the factious conduct of his enemies. He even had the audacity to accuse the King of being in league with those who had combined to ruin him, and used language towards his sovereign, 'in comparison' of which, as James told him, 'all Peacham's book' was 'but a gentle admonition.'

Somerset's behaviour to the King.

Somerset had made a great mistake. If he had played his cards well he might have maintained his position, at least till some unexpected event revealed the mysteries of the Tower. But James was not likely to submit to be bullied by one whom he looked upon as the work of

1615. The King's expostulatory letter.

[1] Chamberlain to Carleton, Nov. 24, 1614, *S. P. Dom.* lxxviii. 61. Printed with a wrong date in *Court and Times*, i. 350.

his hands. He wrote to his favourite an expostulatory letter, which is perhaps the strangest which was ever addressed to a subject by a sovereign.[1] As for the factions, he wrote, of which Somerset complained, he knew nothing of them, and he certainly should refuse to give heed to any accusations against him proceeding from such a quarter. He had done all that was in his power to prove that his confidence was undiminished. He had made Graham, who had incurred Somerset's ill-will, feel his displeasure.[2] He had admitted Somerset's nephew to the vacant place which he demanded for him, though even the Queen had begged him to give it to another. He now told him that his behaviour was unbearable. His affection for him was great, but he would not be forced any longer to listen to the abusive language with which he had been wholly overwhelmed. Let Somerset only deal with him as a friend, and there was nothing which he was not ready to grant him. But he was resolved not to put up with his present behaviour any longer. He concluded by reminding him that he and his father-in-law were in such positions that all suits of importance passed through their hands, so that they had no real reason to be discontented.

What was the immediate result of this letter we do not know. On March 7, we find the King at Cambridge, which he visited to do honour to Suffolk, who had, upon the death of his uncle Northampton, been elected Chancellor of the University. Even in the midst of these festivities, signs were not wanting of the mutual hostility of the factions by which the Court was distracted. Suffolk, who entertained the company, had not thought proper to invite the Queen to partake of his hospitality, and it was noticed that not a single lady accompanied the Court who was

The King's visit to Cambridge.

[1] James to Somerset. Halliwell, *Letters of the Kings of England*, ii. 126. The date of this letter is probably about January or February, 1615. The reference to Peacham's book makes it necessarily later than Dec. 9, 1614, and it must have been written before April 23, 1615, when Villiers was made Gentleman of the Bedchamber, as, after that, his appointment would have been expressly referred to as a grievance.

[2] No doubt as being a friend of Villiers.

not in some way or another connected with the Howard family.[1]

The combination thus formed against Somerset was too general to be explained by merely political considerations. Somerset, however, knew that the enemies of Spain formed its main strength. For some little time James had been giving ear to those who urged him to oppose Spain on the Continent. For three years the Duke of Savoy had been engaged in a war in which he had stood up against the whole force of the Spanish monarchy. In spite of frequent defeats, Charles Emanuel was still unconquered. The English and French Governments agreed in advising him to make peace with his formidable enemy. When some of the French nobles prepared to raise a force to support him in case of the failure of the negotiations, the Regent took measures to prevent a single man from leaving France for such a purpose. James, on the other hand, sent the Duke 15,000*l.*, a large sum for him to provide out of his impoverished treasury.[2]

The Savoy war.

Somerset knew that he must put forth all his influence to defeat the combination formed against him, and that in striking for Spain he was in reality striking for himself. He was suspicious of Digby, whom he regarded as in compact with his opponents, and whose despatches may very possibly have contributed to make James look doubtfully on the prospects of the projected marriage. Somerset, therefore, pressed James to take the main course of the negotiation out of the hands of the ambassador, and to place it in his own, and James weakly conceded his request.

In consequence of this resolution, Sarmiento was, about the middle of April, surprised by a visit from Sir Robert Cotton, the antiquary. Cotton told him that he was sent by the King and Somerset, who both wished to see the negotiation in other hands than those of Digby. The ambassador, he said, was in correspondence with Abbot and Pembroke ; and much mischief

[1] It was on this occasion that the play of *Ignoramus* was acted, which gave such offence to the lawyers. Chamberlain to Carleton, March 16, Nichols, *Progresses*, iii. 48.

[2] Edmondes to Winwood, April 14, *S. P. France.*

would ensue if he were to let them know that the King had decided to accede to the demands of Spain. James had therefore resolved to authorise Somerset to treat secretly, if only assurances were given that Philip would not expect such concessions on religious matters as he could not grant without risk to his kingdom or his life.[1]

Intrigues against Somerset.

Though Somerset's enemies can have known nothing with certainty of his relations with Sarmiento, his leanings towards Spain can hardly have been kept secret. They had long been on the watch for an opportunity of supplanting him, and they instigated the Archbishop to do his best to procure the assistance of the Queen. Abbot had good cause to wish for Somerset's disgrace. Not only had the favourite's connection with the divorce case indelibly impressed itself upon his memory, but he justly regarded his friendship with the Howards as an act of treason to the great cause of Protestantism which he himself so heartily supported. In his eyes, and in the eyes of the malcontent Privy Councillors who acted with him, the substitution of Villiers for Somerset was not a mere personal question. No doubt Villiers, to all appearance, was tractable enough, and his affability was in strong contrast to Somerset's arrogance. But the chief point of difference was this, that while Somerset acted as a man who had been selected by the King at a time when he was distrustful of his Council, Villiers, having achieved his position by the aid of the principal Councillors, would, as they fondly hoped, be content with maintaining a good correspondence between the Sovereign and his ministers.

April. Abbot obtains the Queen's assistance.

At first Abbot did not find the Queen so willing to forward his scheme as he had expected. She had indeed no love for Somerset, but neither was she likely to look with favour on a nominee of Abbot and the Protestants. She knew her husband's character well enough to assure Abbot that he was only preparing a scourge for himself. James would never allow a successor of Somerset to occupy any other position than one of complete dependence

[1] Sarmiento to Philip III., April $\frac{18}{28}$, *Simancas MSS.* 2593, fol. 67.

on himself, and he was certain to teach him to ride rough-shod over those through whose countenance he had risen to power.

In spite of these warnings, Abbot persisted in his entreaties. He knew that the Queen's intervention was indispensable, for it was one of James's peculiarities that he would never admit anyone to his intimacy who had not previously secured the Queen's good word, so that if she afterwards complained of the person whom he had advanced, he might be able to reply that he had owed his preferment to her recommendation.

The Queen at length withdrew her opposition. On the evening of April 23, she pressed her husband to confer on Villiers the office of Gentleman of the Bedchamber. Outside the door were Somerset on the one hand, and Abbot and his friends on the other, all anxiously waiting for James's decision. Somerset, who felt that his high position was at stake, sent a message to the King, imploring him at least to be content with conferring on Villiers the inferior office of Groom of the Bedchamber. Abbot sent a counter-message to the Queen, pressing her to insist on the higher post. At last James gave way to his wife's entreaties, and Villiers received the appointment for which the Queen had originally asked. The new Gentleman of the Bedchamber was also knighted, and endowed with a pension of 1,000*l.* a year.[1]

April 23. Villiers made Gentleman of the Bedchamber.

The favour shown to Villiers did not necessarily imply any cooling of James's affection to Somerset. Somerset may have shown signs of ill-temper, and James may have seized the opportunity of giving a warning which might have more effect than the letter which he had addressed three months before.[2] Some little time after this scene Digby s despatch, giving an account of the articles, arrived in England. It was the first time that James had seen the Spanish demands formally set down on paper. He was asked to stipulate that any children that might be born of the marriage should be baptized after the Catholic ritual by a Catholic priest, that they should be educated by their mother, and that if, upon coming of age, they chose to adopt their mother's religion, they should

May. James reads the articles of the Spanish treaty.

[1] Abbot's narrative in *Rushworth*, i. 456.

[2] Page 320.

be at liberty to do so, without being on that account excluded from the succession. The servants attached to the Infanta's household, and even the wet-nurses of the children, were to be exclusively Catholics. There was to be a public chapel or church open to all who chose to avail themselves of it. The ecclesiastics attached to it were to wear their clerical habits when they appeared in the streets; and one of their number was to exercise jurisdiction over the Infanta's household. Finally, the execution of the penal laws was to be suspended.

April.

Anything more fatal to the domestic peace of the Prince, and to the popularity of the monarchy, it is impossible to conceive. Charles was required to admit into his home a wife who would never cease to be ostentatiously a foreigner, and to parade her attachment to a foreign Church, and her devotion to a foreign sovereign, before the eyes of all men. A religion which England had shaken off was to be allowed to creep back upon English soil, not by its own increasing persuasiveness, or by the growth of a more tolerant spirit in the nation, but by the support of a monarch whom, of all others, Englishmen most cordially detested. We have ourselves seen two great nations engaged in an arduous war rather than suffer a third Power to establish a religious protectorate over an empire which was not their own. All that, in our own days, was refused by England and France to Russia in the East, James was required to concede to Spain in the very heart of England.

Mischief contained in them.

The King's first impulse was to scribble down some notes on the side of the paper on which the articles were written, which, if they had been converted into a formal reply would have been equivalent to a declaration that he meant to throw up the negotiation altogether.[1] These notes were by no means deficient in that shrewdness

James disposed to refuse assent.

[1] A translation of these notes will be found in the paper in vol. xli. of the *Archæologia* already referred to. I have no direct evidence of the time when they were written; but the internal probability is very great that they were the result of the shock occasioned by the first reading of the articles.

which was characteristic of the man. He was as fully convinced, he wrote, of the truth of his own religion, as the King of Spain could be of his; and he intended to educate his grandchildren in the doctrines which he himself professed. He was, however, ready to promise not to use compulsion, and would engage that, if they became Catholics by their own choice, they should not be debarred from the succession. The laws of England enjoined obedience to the King, whatever his religion might be. It was only by the Jesuits that the contrary doctrine was maintained. The servants who accompanied the Infanta might be of any religion they pleased; and, as to the wet-nurses, it would be better to leave the selection of them to the physicians, who would be guided in their choice by the health and constitution of the candidates rather than by their religious opinions. The Infanta might have a large chapel for her household, but there was to be no public church. The permission to the clergy to wear their ecclesiastical habits in the streets would cause public scandal. As to the remission of the penal laws, it would be time enough to consider the point when everything else had been arranged.

It does not need much seeking to discover the causes of James's hesitation to accept the Spanish proposals. But, as usual, personal interests combined with general ones in influencing his mind. During the first half of May, in which James had these articles before him, he was discussing with his lawyers the preparations for Owen's trial, which ultimately took place on May 17. These discussions had brought vividly before his mind the danger of assassination, and for the time he was completely unnerved, He slept in a bed round which three other beds were arranged to serve as a barricade, and when he moved from place to place, he drove at as rapid a pace as possible, surrounded by a troop of running footmen who were directed to hinder any attempt to approach him.[1] It is therefore no wonder that at such a moment James should have taken fright lest the strength to be gained by the alliance with Spain should prove to his son's advantage rather

Cause of hesitation.

[1] Sarmiento to Lerma, May $\frac{6}{16}$, *Madrid Palace Library.*

than to his own. Charles, he fancied, supported by the King of Spain, and by the English Catholics, might be persuaded to head a rebellion against his father. He saw his own dethronement in the future, and he pictured himself an old and worn-out man, reduced to end his days in a dungeon, of which his son and the wife with whom he was about to provide him would keep the keys. It would be well if this were all. For, as he was heard to say, a deposed king might easily be murdered even by his own children. On another occasion he pointedly asked Sarmiento what possible motive Charles V. could have had for abdicating in favour of his son; and the tone in which he asked the question convinced the Spaniard that he had not the slightest inclination to follow the Emperor's example. At other times James pointed more reasonably to the more probable danger of the increase of power which the English Catholics would obtain through the support of Spain.[1]

James did not always talk like this. There was a conflict in his mind between fear of his own subjects and a desire to obtain the support of the King of Spain. The prospect of obtaining a French princess was less hopeful than it had been, and before the end of May James learnt that the Regent's answer to his last proposals was such as, in his eyes, was equivalent to a refusal.[2] At last, about the middle of June, his irresolution came to an end, and he sent to tell Sarmiento that, if some slight modifications were made in the articles, he would be ready to take them for the basis of the negotiation.

The messenger who brought the news to Sarmiento was again Sir Robert Cotton. He was mad with delight, he said, at having been made the channel of such a communication. At last, he added, a prospect was opened of his being able to live and die a professed Catholic, as his ancestors had done before him. As soon as Sarmiento heard this, he rose from his seat, and caught the bearer of the

June. Sir Robert Cotton.

[1] Sarmiento to Lerma, May $\frac{6}{16}$, *Madrid Palace Library.* Sarmiento to Philip III.; Sarmiento to Lerma, May $\frac{20}{30}$, *Simancas MSS.* 2593, fol. 89, 91. *Francisco de Jesus*, App.

[2] Answer of Villeroi, May $\frac{14}{24}$, *S. P. France.*

welcome tidings in his arms. The time would come when Cotton would find in his parchments and precedents that his ancestors had been distinguished for other things besides their attachment to the Church of Rome. But for the present he was taking a part over which, in later life, he probably cast a discreet veil in his conversations with the parliamentary statesmen. The man who was to be the friend of Eliot and Selden now assured the Spanish Ambassador that he was a Catholic at heart, and that he could not understand how a man of sense could be anything else.[1]

July 3. Somerset to conduct the marriage treaty.

On July 3, Cotton re-appeared. The King, he said, had ordered the negotiations with France to be broken off. If Sarmiento had a commission from the King of Spain to treat, he would give a similar one to Somerset.[2]

It is evident that Somerset was still high in James's favour, though he was unable to have everything his own way. He was a mark for the hostility of all who despised him as a Scotchman, and hated him as a favourite. This sense of insecurity made him querulous and impatient, and he continued to vent his ill-humour upon the King. James marked his displeasure by refusing to gratify his wish to retain in his own hands the Wardenship of the Cinque Ports, which, after Northampton's death, had been provisionally entrusted to his care, and on July 13 he conferred it upon Lord Zouch, who had not even asked for the appointment. To Somerset's urgent entreaties that the vacant office of Lord

Somerset's requests refused.

[1] Quotation from Sarmiento's despatch of April $\frac{18}{28}$, in *Archæologia*, xli. 157. Sarmiento to Philip III., $\frac{\text{June } 22}{\text{July } 2}$; *Francisco de Jesus*, App. In a pamphlet published in 1624, there is a passage which shows that there were many Catholics amongst Cotton's friends. In it Gondomar is made to say :—"There were few Catholics in England of note from whom . . . I wrested not out a good sum of money. Sir R. Cotton, a great antiquary, I hear, much complaineth of me, that from his friends and acquaintances only I got into my purse the sum, at the least, of 10,000*l*." *The second part of the Vox Populi*

[2] Sarmiento to Philip III., July $\frac{16}{26}$.

Privy Seal might be given to Bishop Bilson,[1] James refused to give an immediate reply, and when the spoiled favourite took offence he answered in a manner which shows that, if there was a quarrel between the two men, it was not on the King's side that it arose. "I have been needlessly troubled this day," wrote James, "with your desperate letters; you may take the right way, if you list, and neither grieve me nor yourself. No man's nor woman's credit is able to cross you at my hands if you pay me a part of that you owe me. But, how you can give over that inward affection, and yet be a dutiful servant, I cannot understand that distinction. Heaven and earth shall bear me witness that, if you do but the half your duty unto me, you may be with me in the old manner, only by expressing that love to my person and respect to your master that God and man crave of you, with a hearty and feeling penitence of your bypast errors. God move your heart to take the right course, for the fault shall be only in yourself; and so farewell."[2]

James knew well enough that, in the position which Somerset held, he could not sink into the merely faithful subject. It went to his heart to have to bear the ingratitude of one for whom he had done so much. Yet, if he expostulated in private, he still hoped for the best, and openly maintained the arrogant upstart against his ill-willers. Somerset's temper was thoroughly roused. About this time, according to a story which has not come down from any good authority, James directed Villiers to wait upon Somerset, and to request him to take him under his protection. "I will none of your service," was the short and hasty answer, "and you shall none of my favour. I will, if I can, break your neck, and of that be confident."[3]

In spite of all, James was still ready to maintain Somerset against his ill-willers in public, if he expostulated with him in private. Knowing, as he did, that he had done many things

[1] Chamberlain to Carleton, July 15, *Court and Times*, i. 364.

[2] The King to [Somerset], Halliwell's *Letters of the Kings*, 133. The date must be between July 13 and 19, during which time the King was at Theobalds.

[3] Weldon, *Secret History*, i. 407.

for which he might be called in question, he directed Cotton to draw out a pardon which might cover the greatest number of possible offences, and this pardon, by the King's direction, was sealed with the Privy Seal. Yelverton, however, who as Solicitor-General was called on to examine it, refused to certify its fitness for passing the Great Seal, as including offences for which pardons were not usually granted, and his contention appears to have been supported by the Chancellor.[1]

Somerset prepares a pardon for himself.

Upon this, Cotton was directed by Somerset to draw up another pardon, still more extensive, which he framed after the model of that which had been granted to Wolsey, in the reign of Henry VIII. Stress was afterwards laid upon the fact that amongst the crimes which were mentioned occurs that of being accessory before the fact to murder.[2] The answer which he then gave was in all probability true—that he had left these details to the lawyers.[3] It is hardly likely that, if he had been really guilty of murder, he would have allowed nearly two years to slip by without procuring a pardon, on some pretence or another.

However this may have been, Ellesmere refused to pass the pardon under the Great Seal, telling Somerset that he would inform the King and the Council of his reasons for holding back. At a meeting of the Council, held in the King's presence on July 20, Somerset pleaded his own cause in words which, it is said, had been prearranged by James. He declared that it was only on account of the malice of his enemies that he had asked for a pardon at all. If the Lord Chancellor had any charge to bring against him, let him bring it at once. As soon as Somerset had ended, James ordered silence. Somerset, he said, had acted rightly in requesting a pardon. In his own lifetime Somerset would have no need of it, and he wished them all to undeceive them-

July 20. Ellesmere refuses to pass it.

[1] It is to Yelverton that the refusal is ascribed in Cotton's examinations, *Cott. MSS.* Tit. B. vii. 489, and in the narrative of the trial printed by *Amos*, 156. Other accounts ascribe it to the Chancellor.

[2] To poisoning, according to the report of the trial (*Amos*, 151), but this is certainly an embellishment of the speaker or reporter.

[3] *Amos*, 108.

selves if they thought otherwise, but he wished that the Prince, who was standing by, might never be able to undo that which his father had done. "Therefore, my Lord Chancellor," he ended by saying, "seal it at once, for such is my pleasure."

James orders Ellesmere to seal it.

Ellesmere threw himself on his knees, asking if the King wished Somerset to be allowed to rob him of the jewels and furniture committed to his charge, as it was stated in the pardon that he was to give no account of anything. If the King ordered him to seal the pardon, he would do it, provided that he had first a pardon for himself for doing so.

On this James angrily rose. "I have ordered you to pass the pardon," he said, as he left the Council Chamber, "and pass it you shall." Yet, in spite of his indignation, it was difficult to fix James in any resolution. As soon as he left the Council, the Queen, together with Somerset's other enemies, urged all that could be said against the pardon. James could not make up his mind to resist them, at least for the present. He had fixed that day as the beginning of his progress, and he was in a hurry to be once more in the midst of the enjoyments of the country. He left Whitehall without coming to a decided resolution.[1] It was perhaps in order to make amends to Somerset for his failure to support him to the end that, ten days afterwards, Bishop Bilson, though he did not obtain the Privy Seal, was, avowedly at the favourite's recommendation, admitted to a seat in the Privy Council.[2]

The pardon not sealed.

[1] Sarmiento to Lerma, $\frac{\text{July 29,}}{\text{Aug. 8,}}$ *Madrid Palace Library*, Oct. $\frac{29,}{30,}$ *Simancas MSS.* 2594, fol. 40.

[2] *Council Register*, Aug. 30; *Carew Letters*, 15.

CHAPTER XX.

THE FALL OF SOMERSET.

It seems hardly possible that in the ordinary course of events, with so many chances against him, Somerset would have succeeded long in retaining the King's favour. It was, however, to no mere courtiers' intrigue that he finally succumbed.

A few days before the conclusion of the progress, when James was at Lord Southampton's house at Beaulieu, Winwood informed him that he had received intelligence to the effect that Sir Thomas Overbury had met his death by other than natural means.[1] What the precise information was which he had received we do not know, but the most probable account is that the apothecary's boy by whom the murder was actually committed, falling ill at Flushing, contrived to convey the information to Winwood.[2] As no immediate steps were taken in consequence,

Information of Overbury's murder brought to Winwood.

[1] *Carew Letters*, 16.

[2] This is the story given by Wilson (*Kennet*, ii. 698). Trumbull's name was mixed up with it by Weldon, probably because it was known that he came over to London about this time, but his letters in the Record Office show that he came on another matter. Winwood himself says: "Not long since there was some notice brought unto me that Sir Thomas Overbury . . . was poisoned in the Tower, whilst he was there a prisoner; with this I acquainted His Majesty, who, though he could not out of the clearness of his judgment but perceive that it might closely touch some that were in nearest place about him, yet such is his love to justice that he gave open way to the searching of this business." Winwood to Wake, Nov. 15, 1615, *S. P. Savoy*. The idea that Winwood knew of the murder some time before, and only brought it out when Somerset was out of

it is probable that the confession did not enter into details, and, indeed, it is not likely that the criminal was aware of anything inculpating the higher personages by whom he had been employed.

Sept. Confession of Helwys.

It must have been within a few days after the return of the Court from the progress, that is to say early in September, that a circumstance occurred which gave Winwood an opportunity of obtaining further information. The Earl of Shrewsbury, who had long been a patron of Helwys, spoke to Winwood in his favour, as a gentleman whose acquaintance was worth having. Winwood answered that he should be glad to befriend him, but that at present there was a heavy imputation upon him, as Overbury was thought to have come to a violent and untimely death whilst he was under his charge. Helwys, as soon as he heard what Winwood had said, having now no doubt that the whole matter was discovered, acknowledged that he was privy to an attempt which had been made to poison Overbury through Weston, but that he had prevented its being carried into execution. Winwood laid this confession before the King, who directed that Helwys should set down in writing all he knew about the matter.[1] On September 10, accordingly, Helwys wrote to the King, acknowledging that he had met Weston carrying the poison, and had prevented him from attempting to give it to Overbury. He stated that renewed attempts had frequently been made to convey poison to Overbury in his food, but that he had succeeded in frustrating them, till the apothecary's boy at last eluded his vigilance. Who sent the poison he did not know. The only person whose name he had heard mentioned in connection with it was Mrs. Turner.[2]

As soon as James saw the letter, he charged Coke to ex-

favour, is totally inadmissible. Somerset had been in less favour in the spring than he was now. As early as July, however, there had been whisperings about the murder, which had frightened Mrs. Turner.

[1] Bacon's charge against the Countess of Somerset (*Letters and Life*, v. 297). His story presupposes that Winwood was already in possession of some information.

[2] Helwys to the King, Sept. 10; *Amos*, 186.

amine into the affair.[1] He knew that, in some previous conversation with Winwood, Helwys had hinted at being able to implicate the Earl and Countess of Somerset in the conspiracy, and he was never willing to hush up a charge against anyone whatever. He let it be known that he was determined to search into the crime without fear or favour.

Coke appointed to examine the suspected persons.

Coke was of all men then living the one who would take most delight in conducting an inquiry of this nature, and he was perhaps also the most unfit for the purpose. His natural acuteness and sagacity were overbalanced by his readiness to look only to that side of the evidence by which his foregone conclusions were supported, whilst his violent temper made it impossible for him to scrutinise doubtful points with any degree of calmness, and his ignorance of human nature prevented him from seeing a whole class of facts by which the judgment of a wiser man would have been influenced.

Weston's confession.

It was not till eighteen days after Helwys wrote his letter to the King that Weston could be brought to confess that he knew anything about Overbury's murder at all. As late as September 21, he declared that the prisoner's death was caused by a cold caught through sitting too long at an open window. The next day, however, he acknowledged the truth of the Lieutenant's story of the scene in which he threw away the poison in consequence of Helwys's rebuke. This confession, coupled with the long delay, is no slight corroboration of the general accuracy of Helwys's account of what had happened.[2] On the following day he was, at his own request, re-examined, and having for the first time implicated Lady Somerset in the affair,[3] on October 1 he stated that Lady Somerset had herself, in Mrs. Turner's presence, directed him to administer to Overbury the poison

Lord and Lady Somerset implicated.

[1] The story in Roger Coke's *Detection* is too full of palpable blunders to be worthy of notice. It is, perhaps, a distorted recollection of a message sent to Coke by the King to examine Helwys.

[2] Examinations of Weston, Sept. 27 and 28, 1615, *Ames*, 177.

[3] Examination of Weston, Sept. 29, 1615, *S. P. Dom.* lxxxi. 118.

which would be sent to him.[1] A day or two afterwards, Rawlins, a servant of Somerset, gave information that he had been the means of conveying a powder from his master to Overbury.[2] Mrs. Turner steadily denied that she knew anything about the matter, and Sir Thomas Monson, who was suspected, as having recommended Weston to his place, was equally steadfast in maintaining his own innocence.

It must have been shortly after Weston's confession of September 29 that Coke petitioned the King to allow some who were of higher rank than himself to be joined with him in conducting examinations which threatened to inculpate persons of such standing as the Earl and Countess of Somerset. The King at once consented, and, probably on October 13, nominated the Chancellor, the Duke of Lennox, and Lord Zouch.[3]

As soon as Somerset heard that he was suspected, he left the King at Royston, and came up to London to justify himself. He must have felt ill at ease.[4] Even if, as was probably the case, he was innocent of Overbury's murder, he must have

[1] Examination of Weston, Oct. 1, 1615, *Amos*, 178.

[2] Relation of Giles Rawlins, Oct. 1615, *S. P. Dom.* lxxxii. 24.

[3] Bacon's charge against the Countess of Somerset. *Letters and Life*, v. 297.

[4] There is a difficulty in making out the chronology here. Weldon (*Secret History*, i. 410) makes Somerset to have accompanied James to Royston, to have returned immediately to London, and there to have been arrested at once. Of course this cannot be the case, as James was at all events at Royston before October 9, and probably at least a week earlier, and Somerset was arrested on the 17th. According to Weldon the day of Somerset's departure from Royston was a Friday, *i.e.* the 6th or 13th of October; I feel little doubt that it was on the 13th, as the first meeting of the Commissioners was on the 15th. This would give some explanation of his story of James's behaviour. The King, he says, parted from Somerset with extraordinary demonstrations of affection, telling him that he would neither eat nor sleep till he saw him again, but after he was gone he said, 'I shall never see him more.' Three or four days before the 6th, news would have reached Royston that there had been suspicions against the Earl, who finding them acquiring strength may have determined to go back to London, 'to still the murmurs vented against him' (Wilson, in *Kennet*, ii. 698). He would, of course, as he left, declare boldly that it

known that the difficulty of proving his innocence was so great as to render it almost a certainty that he would not escape if the King determined to bring him to trial. As he reviewed the circumstances of the case, he must have remembered how many of his actions, which at the time seemed to be trivial enough, would hardly escape the very worst interpretations. His share in Overbury's imprisonment, the double part which he had played towards him, the food and medicines with which he had supplied him, the intrigue into which he had entered with Helwys and Northampton to keep him in ignorance of his real feelings towards him, all formed a network of evidence from which it would be difficult to escape, even if the judges before whom his cause was to be tried had been more impartial than they were likely to be.

Somerset's dismay.

There was but one course for him to take. He ought to have sat down at once, and after calling up before his memory every circumstance which had taken place during those months of Overbury's imprisonment, and collecting every scrap of evidence which it was in his power to procure, to have laid before the King a true and full statement of his case.

Unfortunately for himself he did not take this step. No doubt it would have cost him something. He would have had to confess much that was to his discredit, and would, in all probability, have lost all chance of regaining the King's favour; but he might possibly have been able to convince the world that he was not a murderer.

was all false, and that he would soon come back with his character cleared. The King's conduct admits of various interpretations. The ordinary explanation is that he pretended hypocritically to part with him as a friend, whilst he knew he was running into destruction. On the other hand, Wilson's account is probably correct, which assumes that Somerset knew perfectly well that he was going to meet an accusation. It is possible that his bold assertions overpowered the King for a time, and that he really dismissed him with the hope of seeing him return in a few days triumphant over his accusers, but that as soon as he was gone the force of the accusations recurred to him, and he may well enough have added, 'I shall never see his face more.' All depends upon the gesture and look with which the words were uttered. Wilson says it 'was with a smile,' but Weldon, who was at Royston at the time, omits this.

Instead of this, he took the most damaging course which it was possible for him to have selected. Again and again he wrote to James, assuring him that the whole accusation was a mere factious attempt to ruin him. The King, he said, had allowed himself to give way too much to Coke's wilfulness. Ellesmere was not a fit man to investigate the charge, as he had always been his enemy. He reminded the King of the share which the Chancellor had taken, as Solicitor-General, in the proceedings against the Queen of Scots, and begged that the examination might be conducted by the twelve judges, and that no Privy Councillor might be allowed to take part in the proceedings. If he had been contented to urge in a moderate manner that it was unfair that his conduct should be investigated by his personal enemies, what he said would have been deserving of attention; but he threw away all chance of making an impression when he actually threatened the King that his behaviour on this occasion would lose him the support of the whole family of the Howards.[1]

James refuses to alter the course of investigation.

To these applications, which were supported by Suffolk, James returned a positive refusal. He told Somerset that his conduct, and that of his father-in-law, was that of men who shrunk from investigation. As to himself, he was determined that the examination should be conducted in the strictest possible manner. "If," he said, "the delation prove false, God so deal with my soul as no man among you shall so much rejoice as I; nor shall I ever spare, I vow to God, one grain of rigour that can be stretched

[1] The substance of Somerset's letters may be inferred with tolerable accuracy from James's reply (Halliwell, *Letters of the Kings of England*, 134). That reply must have been written about October 15 or 16. It was certainly after the Chancellor and others had been directed to examine into the murder. It could not have been immediately after their appointment, for James speaks of a message sent by Lennox 'long ago' to Somerset on the subject. On the other hand, the desire expressed by the King that Somerset should show his letter to Suffolk, seems to prove that he was still at large, and this view is confirmed by the absence of any reference to Somerset's arrest, and by the possibility suggested that Ellesmere might be directed to take a certain course in the examinations, which appears to imply that they had not yet commenced.

against the conspirators. If otherways, as God forbid, none of you shall more heartily sorrow for it, and never king used that clemency as I will do in such a case. But that I should suffer a murder, if it be so, to be suppressed and plaistered over, to the destruction of both my soul and reputation, I am no Christian. I never mean willingly to bear any man's sins but my own ; and if for serving my conscience in setting down a fair course of trial I shall lose the hands of that family, I will never care to lose the hearts of any for justice' sake."[1]

On October 17 the Commissioners, who by this time had accumulated sufficient evidence to satisfy themselves of the guilt of the Earl and Countess of Somerset, wrote to both to direct them to remain in their respective apartments, without seeing anyone except their servants.[2] It was on that evening that Somerset burnt a number of his own letters to Northampton, having previously delivered those which he had received from Northampton and from Overbury to Sir Robert Cotton. His first idea seems to have been to affix false dates to them, in order to make them serve as the basis of a fictitious account of his dealings with Overbury. This was actually done by Cotton, but Somerset changed his mind, and preferred to send them away to a safe place of concealment. This treatment of the letters was afterwards, when it was discovered, very damaging to his case ; but from the fragments which have come down to us, we can quite understand how he might have feared that, by a very easy process, they might be used to support the charge against him, though they did not in reality prove his guilt.[3]

The next day the Commissioners, hearing that, two days before, Somerset had abused his authority as a Councillor, to send a pursuivant to get possession of some papers relating to Mrs. Turner, and that he had sent a message to Mrs. Turner herself that very morning, committed him to the custody of Sir Oliver St. John, at the Dean of Westminster's house.[4]

[1] The King's letter is printed in Mr. Spedding's 'Review of the Evidence,' in the *Archæologia*, xli. 90.

[2] *Amos*, 40, 41.

[3] *Amos*, 83, 95 ; Cotton's examination, *Cott. MSS.* Tit. B. vii. 489.

[4] Somerset to Poulter, Oct. 16. Declaration by Poulter, Oct. 18,

On October 19, the day after Somerset was thus committed to St. John's custody, Weston was brought to trial at the Guildhall. Those who take an interest in observing the progress which has been made in our judicial institutions since the reign of James I., can hardly find a more characteristic specimen of the injustice which once prevailed universally in criminal courts than is to be found in this trial of Weston. Strange to say, Coke, who had prepared the evidence against the prisoner, held the first place amongst the Commissioners on the Bench. But this, revolting as it is to our feelings, is a very small matter when compared with the method in which the indictment was drawn up. The principal facts, as we know, were these—that Weston received certain poisons to give to Overbury; that Overbury had lived on in a way which is perfectly inexplicable on the supposition that the poisons had really been administered; and that, finally, a poison was given by an apothecary's boy, by which the object desired by the plotters was accomplished. It is plain that there was no evidence whatever that Weston had murdered Overbury, unless, indeed, the fact that he afterwards accepted a reward from Lady Essex is to considered as evidence that he had really earned the money. If Coke had lived in our own day he would have directed the jury to find a verdict of Not Guilty. But that he should take this course was not to be expected. Every temptation which could offer itself to him urged him on. His professional reputation was at stake. Such an opportunity of tracking out a great crime through a maze of contradictory evidence does not occur twice in a man's life. Nor is it to be forgotten that a failure to procure Weston's conviction would at once set every one of the criminals at large. Overbury's blood would still be unavenged; Mrs. Turner and the Countess of Somerset would once more be beyond the reach of punishment. It was a maxim of English law that the accessory could not be convicted until the principal had been found guilty, and Weston was the only man in the hands of the Government who could on any pretence

Trial of Weston.

S.P. lxxxii. 49, 65, 66. Commissioners to the King, Oct. 18, 1615, *Amos*, 38.

be called a principal in the murder. The true murderer, indeed, according to all probability, was the apothecary's boy; but it would be enough to constitute Weston a principal if it could be shown that he was present at the time that the boy was administering the poison, and that he aided him in doing so.

Character of the indictment.

The indictment against Weston not only asserted distinctly that he had given his aid on that occasion, but also stated that the other poisons were actually given by Weston to Overbury in his food. Of the truth of these two statements not a shadow of evidence was produced at the trial, nor, as far as we know, was there any such evidence in existence.

At the present day, a lawyer who should have a hand in drawing up such an indictment as this, or in allowing it to be pressed against a prisoner, would undoubtedly be guilty of the most deliberate act of wickedness which it is possible for a man to commit. And yet, strange as it seems, there is no reason to suppose that any one of those who took part in the trial suspected for a moment that there was anything wrong. So inured were the lawyers of that day to the habit of disregarding the simplest principles of evidence, and of seeing the case in hand through their wishes rather than their judgment, that there would be little difficulty in coming to the conclusion that Weston was the real murderer. He was certainly a liar, by his own confession; why therefore should he be believed in anything that he had said? and, if he really had a hand in the murder, were he and all the rest of his confederates to escape because of a mere formality? After all it was by no means material that indictments should be correct in their assertions.[1] If a few things were inserted which could not be proved, no harm would be done. The main point was that Weston was a villain, and deserved to be hanged; and hanged he should be, in spite of the rules of the law.

An unexpected obstacle was presented to carrying out immediately this foregone conclusion, by the refusal of Weston to put himself on his country. This refusal, which would now be equivalent to a conviction. was at that time a bar to all further

[1] This was laid down by Coke himself at Somerset's trial. See *Amos*, 247.

proceedings. The only resource was the horrible torture known as the *peine forte et dure*. The prisoner refusing to plead was laid under weights, which were from time to time increased till he could bear them no longer, at the same time that he was exposed to the utmost severity of cold and hunger. Coke, however, was unable to wait till the torment took effect. He could no longer contain the secrets with which, in the course of the last few days, he had become acquainted, and he accordingly directed Sir Lawrence Hyde (who had once been a leading member of the popular party in the House of Commons, but had now become the Queen's Attorney) to read the accusations which Weston and others had brought against Mrs. Turner and the Earl and Countess of Somerset. In this way Coke practically threw the weight of his authority against prisoners who were not present, and who had no opportunity of being heard in their own defence. After this the proceedings were adjourned to the 23rd, in order to give Weston time to consider the course which he would take.

Weston refuses to plead.

There can be little doubt of the truth of the supposition which was generally entertained at the time, that Weston had been tampered with by those who hoped, by his refusal to plead, to escape the punishment of their misdeeds. Every attempt was made to induce him to reconsider his determination, but for some time without effect. Two Bishops, Andrewes and King, exhausted to no purpose the arguments which could be supplied by the different schools of theology to which they respectively belonged. What the Bishops were unable to do, however, was at last effected by the sheriff's servant, on the morning of the day on which Weston was brought again before the Court. The change which he effected was attributed by Coke to 'the instance of the Holy Ghost;' but the result was probably obtained by a vivid description of the tortures which Weston, if he continued obstinate, would have to undergo, and by the conviction that he was only serving, at his own expense, those who had led him to destruction. When he saw the sheriff, he told him that he was now ready to put himself on his trial; and added that he hoped

He gives way.

that there was no intention of making a net to catch the little fishes, whilst the great ones were allowed to escape.

He was accordingly brought up for trial. The examinations were read, and Hyde again told his story. As on the former occasion, Lord and Lady Somerset were put forward as the authors of the murder, and it was boldly stated that the poison had actually been administered by Weston. A lawyer would have made short work with the evidence, but in those days the criminal was not allowed the help of counsel. Weston stammered out some words in his own defence, but he was quite incompetent to sift the story which had been brought against him. To make it still more easy for the jury to bring in what he considered to be a proper verdict, Coke declared it to be good law that it was utterly immaterial whether or no Overbury had really been murdered by means of the poisons mentioned in the indictment. It was enough that they could come to the conclusion that he had been poisoned by Weston, without expecting any exact proof of the way in which it had been done. Under such guidance as this, it is no wonder that the jury, without difficulty, brought in a verdict of guilty against the prisoner.[1]

Oct. 23. Weston's trial.

No trial exhibits more clearly than that of Weston, the difference between ancient and modern practice. Defective proof was, in his case, eked out by a ready imagination, until the collectors of the evidence actually allowed themselves to take for granted the only two points which had any direct bearing upon the guilt of the prisoner. Proof that Weston administered the poison, or was present when anyone else was administering it, existed only in the vivid imagination of Coke and of those who worked with him, though it was made evident that he had at one time intended to poison Overbury, and that he had at least connived at proceedings which enabled others actually to do so. It has been said that this system was admirably adapted for the discovery of the truth, if those who conducted the examinations could be credited with acting fairly on every occasion. To suppose, however, that they could act fairly, is to ascribe to them superhuman virtue. Even if a

[1] *State Trials*, ii. 911. *Amos*, 371.

trial were not a strictly political one, those who prepared the evidence were, by the very nature of their employment, interested in making out a case; and, to all intents and purposes, the previous examination was the real trial. Excepting, indeed, where political passions were aroused against the Government, it was not to be expected that twelve men, utterly inexperienced in the difficult task of sifting evidence, could come to a fair conclusion, when all the legal talent of the Bench and the Bar was arrayed on one side, and on the other was a poor helpless prisoner, charged with the basest crimes, and utterly unprepared, from the circumstances in which he was placed, to stand up, alone and unprotected, against the storm which was sweeping down upon him from every side.

Naturally enough, the Government was exceedingly jealous of any imputations which might be thrown upon the justice of its proceedings. At Weston's execution a number of persons present asked him whether he were really guilty or not. He refused to give any explicit answer, acknowledging that he died worthily, and saying that he had left his mind behind with the Chief Justice. Two of the questioners, Sir John Holles and Sir John Wentworth, were summoned before the Star Chamber on a charge of having virtually impugned the decision of the Court, and were condemned to fine and imprisonment. Two other persons were imprisoned by order of the Council for the same reasons. At the same time Lumsden, a dependent of Somerset's, was fined and imprisoned for presenting a petition to the King, in which he stated that Weston had declared that the statement which he had made during his examination had been untrue.[1]

Proceedings in the Star Chamber.

On November 7, Mrs. Turner was brought up for trial. The story of the apothecary's boy was put as much into the background as possible, and the prosecution rested their case upon the conviction of Weston as a principal in the murder. Assuming, as they did, that the

Trial of Mrs. Turner

[1] The King to the Commissioners, Oct. 21, 1615, *S. P. Dom.* lxxxii. 80. *State Trials*, ii. 1021; *Carew Letters*, 17. All excepting Holles and Lumsden were released within little more than two months after the sentence, and Holles was certainly at liberty in the following July.

verdict against him had been true, they had little difficulty in showing that Mrs. Turner had been accessory to his proceedings. In the course of the trial a curious scene took place. After some of Lady Somerset's letters, of the most indecent character, had been read, some magic scrolls and images were produced in court, which had been used by Dr. Forman and Mrs. Turner. Whilst they were being examined, a crack was heard in one of the scaffolds, probably caused by the crowding of the spectators to see the exhibition. The impression produced by the noise was, that the devil himself had come into the court, and had chosen this method of testifying his displeasure at the disclosure of his secrets. So great was the confusion in consequence, that a quarter of an hour passed before order was restored.

As a matter of course, the prisoner was found guilty. Though attempts were made, after the trial, to extract additional information from her, no evidence of importance was obtained, and she died with expressions of sorrow on her lips for the crime in which she, at least, had taken a principal part.[1]

Helwys was the next who was called upon for his defence. As far as the evidence went which was brought against him, there was nothing inconsistent with his own account of the part which he had taken. It was shown that he had entered into an intrigue of some kind or another with Northampton; but that he had been directly guilty of giving culpable aid to Weston was not proved. He might, as far as anything was shown in court, have contented himself with hindering Weston from administering the poison, although, from fear of losing his place, he did not give information of what was going on. Under these circumstances he made a not unsuccessful defence, and it was generally expected by the spectators that he would be acquitted, when Coke produced a confession which had been made that very morning by Franklin, the person from whom the poison had been procured. In this Franklin declared that he had once been present when Lady Somerset put into his hands a letter which she had

and of Helwys.

[1] *State Trials*, ii. 929; *Amos*, 219. Castle to Miller, Nov. 28, 1615; *Court and Times*, i. 376.

received from Helwys, in which he wrote of Overbury that, 'the more he was cursed the better he fared.' It is true that Franklin's character was very bad, and that he showed a tendency to fling his accusations broadcast, in hopes of procuring his own safety; yet, as Helwys never denied the words, it may be taken for granted that he really wrote the letter. This sudden production of new evidence struck him dumb at once, and the jury, seeing the impression made upon him, took it as an evidence of his complicity in the crime, and brought in a verdict of Guilty. There can be no doubt that he had connived at that which took place under his authority, though he may have kept out of the way when the actual murder was committed, but of his knowledge of the actual administration of the poison there was no evidence at all.[1]

Trial of Franklin.

On the day after Helwys's trial, Franklin was placed at the bar. He could not deny that he had procured the poisons for Mrs. Turner. After a short deliberation the jury brought in a verdict of Guilty against him too. Before he was executed he threw out wild hints of the existence of a plot far exceeding in villainy that which was in the course of investigation. He tried to induce all who would listen to him to believe that he knew of a conspiracy in which many great lords were concerned; and that not only the late Prince had been removed by unfair means, but that a plan had been made to get rid of the Electress Palatine and her husband. As, however, all this was evidently only dictated by a hope of escaping the gallows, he was allowed to share with the others the fate which he richly deserved.

Of the four who had now been executed, Franklin and Mrs. Turner were undoubtedly guilty; of the direct participation of the other two, doubts may reasonably be entertained. There was still one more of the inferior criminals to be

[1] *State Trials*, ii. 935. If Northampton's letter, as printed in the second report of Somerset's trial (*Amos*, 141), is correct, there can be no further doubt of Helwys's fullest complicity. But the documentary evidence in this report is not, by any means, to be trusted. Before his execution Helwys admitted that, upon Weston's saying, "Why, they will have me give it him, first or last," he said, "Let it be done, so I know not of it."—*Amos*, 215.

brought to the bar at Guildhall, and against him not a particle of reasonable evidence was in existence. Sir Thomas Monson had, indeed, assisted in recommending Weston to Helwys, and had had something to do with the correspondence which passed between Overbury and Somerset; but that seems to have been the extent of his connection with the affair. On December 4 he was arraigned, but he was informed by Coke that he was suspected of worse crimes than that for which he was now called in question, and that the trial would be postponed, in order that the investigation might be completed. Coke had already dropped hints that he had come upon the traces of a plot of no ordinary magnitude. "Knowing," he said publicly, "as much as I know, if this plot had not been found out, neither court, city, nor many particular houses had escaped the malice of that wicked crew." He had even let it be understood that he had discovered evidence that Prince Henry had met his death by violent means.[1] Coke's imagination had been greatly excited by his disclosures. He had imparted to the King his supposed discovery without doing more than darkly indicating its nature.[2] James, however, had looked over the evidence against Monson, and had come to the conclusion that no sufficient proof existed against him.[3] This feeling on the part of the King, coupled with a desire to know more about Coke's mystery, would be quite enough to account for his giving directions for the postponement of the trial.[4]

Sir T. Monson's trial postponed.

Coke did his best to follow up the scent, but he did not find that it led to much. All that he was able to discover was that, on a certain occasion, more than six months before his death, Prince Henry had eaten some dried fruits which had been prepared by a Roman Catholic confectioner, and that the cook

[1] *State Trials*, ii. 949.

[2] Coke's letter, printed in *Amos*, 392, presupposes a former letter to the King to this effect.

[3] Examination of John Lepton, Feb. 2, 1616, *S. P. Dom.* lxxxvi. 31.

[4] Weldon's story of the King's discovering, the night before the trial, that Monson meant to say something disagreeable, and of his sending, in consequence, to Coke to let him see the evidence, and then returning a message that it was insufficient, refutes itself. The King was at New-

who prepared the tarts which were sent to Overbury had once been in the Prince's service.[1]

There was, however, another quarter in which Coke was more successful. On October 26, the King had written to some of the Privy Councillors, informing them that he had been told that Sir Robert Cotton had communicated information of importance to the Spanish ambassador, and requiring them to examine him, and, if it were found to be the case, to sequester his papers, and to take proceedings against him.[2] What was the immediate result does not appear, but Digby was written to, in order that he might give any additional information in his power on the subject of the pensions, and especially as to Somerset's connection with Spain. He answered,[3] that Sir William Monson could give more information on the subject of the pensions than any other man; and that, as to Somerset, he believed that he had been careless, and had shown important State papers to persons who had allowed them to get abroad, but that he had no reason to suppose that he had ever accepted either a pension or a reward of any kind from the Spanish Government. He thought, however, that Somerset had been carrying on an intrigue with the ambassador by means of Cotton. If Cotton were arrested, he would tell what had happened. Accordingly, Cotton was placed in confinement,[4] and probably confessed to taking papers from Somerset to the Ambassador. Not long afterwards, Sir William Monson was committed, and Digby was summoned to England, in order to give further explanations.

Information extracted from Cotton.

When Digby arrived, he found that Coke had, in the course of his investigations, discovered that one of the despatches which he had written with an account of the pensions had fallen into Somerset's hands, and that he had come to the conclusion, which was perhaps not un-

Coke on a wrong scent.

market, and there was not time for all this in the course of a single night. Besides, Coke's letter, just quoted, contains no reference to messages passing in such desperate haste.

[1] *Amos*, 482.

[2] *Court and Times*, i. 371. For the date, see *S. P. Dom.* lxxxii. 111.

[3] Digby to the King, Dec. 16, *S. P. Spain.*

[4] On Dec. 29.—*Carew Letters*, 21.

natural, that Somerset had kept back the paper from the King, in order to conceal his own supposed participation in the Spanish bribes. Digby accordingly remonstrated with the King at these proceedings on Coke's part, which could only lead to disagreeable consequences by spreading abroad information respecting the pensions, with which Somerset had nothing whatever to do. A few days afterwards Digby was called upon to confer with the Chancellor and with Bacon on the questions which were to be put to Cotton. Much to Bacon's dissatisfaction, when the subject of the pensions was again brought up, Digby positively refused to say a word, alleging that he had the King's warrant to be silent.

What followed upon this is not very clear. We have an undated examination of Cotton, in which he acknowledges having taken to the Spanish ambassador Lerma's paper of demands with respect to the proposed marriage. Digby was commanded to acquaint Bacon and the Chancellor with the secret of the pensions, and both Cotton and Somerset were again examined.[1] Coke was apparently compelled to withdraw from his unprofitable investigations,[2] and Cotton was some little time afterwards set at liberty.

It was not till the beginning of April that Digby assured the examiners that Somerset was innocent of any connection with the pensions. Three months before this, the Earl and

[1] *Cott. MSS.* Tit. B. vii. 489. Digby to the King, April 3, *S. P. Spain.* Bacon's *Letters and Life*, v. 262. This examination, most probably, was taken about this time.

[2] If it is true that Coke's proceedings with reference to these trials brought him into disfavour with the King, there is quite enough to explain it without adopting the gratuitous hypothesis that James had a hand in the murder. Coke let it be known that he believed that Prince Henry had been murdered, on the exceedingly slender grounds which have been already mentioned. Indeed, it would seem, from the length of time which, according to Coke's theory in this and the Overbury case, poisons might remain in the system without affecting life, anyone might be accused of poisoning who had ever supplied food to any person who died long afterwards under suspicious circumstances. Coke's blunder about the pensions too, though far more excusable, must have been still more provoking to James.

Countess had been indicted before the grand jury at Westminster, and a true bill had then been found against them.[1] The trial itself, however, was postponed, no doubt in order to wait for Digby's evidence. Lady Somerset had, in her hour of misfortune, been delivered of her only child, a daughter, who lived to be the mother of the Lord Russell whose execution is one of the darkest blots upon the memory of James's grandson. The Countess was allowed to remain with her child till March 27, when she was sent to the Tower, where her husband had been imprisoned for some weeks previously. The only sign of emotion which she showed was in her urgent entreaty that she might not be sent to the lodgings which had once been occupied by Overbury: a request which was at once acceded to.[2]

1616.

In the proceedings at the Guildhall, Bacon had taken no part whatever. Either from disinclination to appear upon a stage which Coke had made so peculiarly his own, or from a natural dislike to scenes of this kind, he had allowed the prosecutions to be conducted by others. But the same reasons did not apply to the trials of the Earl and Countess. As peers of the realm, they would be brought, not before the ordinary judges, but before the High Steward's Court, which consisted of a certain number of peers summoned by the Lord High Steward, who was always a peer specially appointed by the King for the occasion. Consequently, though Coke would be present with the other judges, who would be in court as advisers on points of law, he would not sit in any place of authority.

Part taken by Bacon in the cases of the prisoners.

The case now fell into the hands of Bacon. As far as Lady Somerset was concerned he would have no difficulty at all. The evidence against Somerset was far less clear. There were arguments of very great weight which might be brought on either side. To us, who look calmly on the whole affair, and who are in posses-

Bacon's opinion on the question of Somerset's guilt.

[1] *Carew Letters*, 23.

[2] Chamberlain to Carleton, April 6, 1616. *Court and Times*, i. 395 She was at first lodged in the Lieutenant's own room, and then in Raleigh's apartments, which had just been vacated by him.

sion of some evidence which perhaps Bacon had not seen, it may seem probable that Somerset was an innocent man; but there is no reason to doubt that Bacon might have come to a very different conclusion in perfect good faith. His opinion seems to have been that, although it was exceedingly likely that Somerset was guilty, yet, that the evidence being incomplete, there was no absolute certainty to be attained.[1]

His efforts to procure a conviction.

The inference which an Attorney-General in our own time would draw from this would be, that it was unfair as well as inexpedient to prosecute a man of whose guilt he was not himself thoroughly convinced. The inference drawn by Bacon was, that it was proper to bring the prisoner before the Court, to produce the evidence, and to do all that was in his power to procure a conviction, because he was aware the King had made up his mind that the conviction would not be followed by the death of the supposed criminal.

In fact, the point of view from which State trials were regarded at the beginning of the seventeenth century was one which it is now impossible to bring before the mind without considerable effort. That the part taken by the officials in conducting the examination was of far more importance than that taken by the judge and the jury in open court, was a belief which could hardly fail to root itself in the minds of those who went through the toil of conducting those examinations. It was hardly in the course of nature that they should resist the liability to regard the trial itself as a hard necessity which had to be endured, as a form which must be gone through in order to satisfy the people, but which could scarcely be expected to be of any value as a means of eliciting truth. If, therefore, those who had previously investigated the case came to the conclusion that the prisoner was probably guilty, but that the evidence was not perfectly satisfactory, they would without difficulty fall into the miserable error of thinking that it was necessary, for the credit of the Government, that a verdict should be obtained, but that everything would be well done

[1] In his letter to the King of April 28, Bacon acknowledges that the evidence 'rests chiefly upon presumptions.'

if a pardon were afterwards granted. In order to come to such a conclusion, however, it was necessary to adopt another theory, which has since been wisely rejected by all English lawyers. That theory was, that it was the duty of the Court to find the prisoner guilty, unless there was some positive reason to suppose that he was innocent. It is this theory which comes out unexpectedly in one of Bacon's letters, which, utterly unintelligible as it is to the present generation, may enable us to understand how he reconciled it with his conscience to act the part which he took in these trials. If Somerset was in all probability guilty, and if it was the duty of the Court to convict a man against whom no more decisive evidence could be brought, Bacon may have fancied that he was doing no wrong in helping the court to do its duty, whilst at the same time he was helping the King to do his.[1]

His views on the question of pardoning the prisoners.

Even if it be admitted that Bacon may very well have pursued the course which he took from other than consciously base motives, the way in which he viewed the question of the pardon which James was prepared to give to both the prisoners, cannot be viewed otherwise than as a symptom of a want of delicate moral perception. He ought to have perceived at a glance the truth which lay at the bottom of Weston's hope that the great fishes would not be allowed to escape at the expense of the lesser ones, and to have used all the eloquence of which he was possessed to persuade the King that justice could not be satisfied unless those who were in high places shared the lot of their meaner accomplices. Unfortunately, he did nothing of the sort. His habit of looking upon reasons of State as something sufficient to justify exceptional proceedings; his custom of thinking of the prerogative as a power lifted above the ordinary laws which regulated the proceedings of subjects; and his undue deference

[1] "For certainly there may be an evidence so balanced as it may have sufficient matter for the conscience of the peers to convict him, and yet leave sufficient matter in the conscience of a king upon the same evidence to pardon his life; because the peers are astringed by necessity either to acquit or condemn; but grace is free; and, for my part, I think the evidence in this present case will be of such a nature."—Bacon to the King, April 28, *Letters and Life*, v. 275.

for the wishes of the King (who was, by his office, the very foundation-stone upon which the whole political edifice rested), made him blind to the true bearings of the case. He cast about for one reason and another to justify the course which James was determined to take. He allowed himself to adopt such sophisms as that the blood of Overbury had been already sufficiently avenged; that the downfall from their places of dignity would be sufficient punishment for such great persons; and that, if they could be brought to confess their fault, their penitence would be sufficient to call for mercy.

Reasons why the King desired to pardon the prisoners.

The reasons which moved James to desire to pardon the prisoners were of a very mixed nature. If he did not still retain any great regard for Somerset, it would undoubtedly have been very much against his wishes to send to execution a man with whom he had lived for so many years upon terms of such intimate familiarity. In the case of Lady Somerset, he had less personal reason for standing in the way of justice; but he could not but feel that it would be hard for him to meet the Lord Treasurer, day after day, if he had consigned his daughter to a murderess's grave. Nor is it impossible that he may have remembered that he had himself been to blame for that too early marriage, which was the root from which all these evils had sprung. No doubt he ought to have set such feelings aside, but it would have been most discreditable to him if he had not entertained them. In addition to these reasons, he must have felt that, as regarded the Earl at least, the evidence was not completely satisfactory. His doubts on this point manifested themselves in an extreme anxiety to induce the accused man to confess that he was guilty. The tricks to which he condescended, in order to attain the desired end, were innumerable. But it was all in vain. Somerset maintained that he was an innocent man, and that he had no confession to make.

A few days before the trial, Somerset threatened to bring some charge or other against the King himself. James at once wrote to Sir George More, the new Lieutenant of the Tower, telling him that this was merely 'some trick of' his

prisoner's 'idle brain;' that it was easy to see that he intended to threaten him by laying an aspersion upon him 'of being in some sort accessory to his crime.' All he could say was that, if Somerset had any message to send about the poisoning, there was no necessity to send it in private; if he wished to communicate with him on any other subject, he must wait till after the trial, as he could not listen to him then without incurring the suspicion of having in reality been accessory to the crime.

Somerset threatens to accuse the King.

A day or two later Somerset's resistance took another turn. He declared that he would not go to the trial, on the plea, it would seem of sickness, being perhaps still hopeful that it would be possible to work on the compassion of the King.[1]

Bacon had been for some time engaged in arranging with the King the manner in which it was intended that the trial should be conducted. He was resolved to do all that he could to keep out of sight the wild stories which Coke had adopted from Franklin, and to restrict the evidence to that which had a direct bearing on the case.[2] He had also made arrangements for withdrawing the Countess from the court as soon as possible, lest she should make in public that declaration of her husband's innocence which she had already made in private to two messengers sent

Arrangements for the trial.

[1] The King to Sir George More (*Amos*, 273, 276). Mr. Amos's supposition that James had anything to do with the Overbury murder is quite inadmissible. It not only contradicts all that we know of his character, but it is rendered improbable by these letters themselves. If it had been true, would James have refused to receive any private message from Somerset? would he have sent Lord Hay and Sir Robert Carr to see him? Murderers, if they choose anybody to be a confidant of their secrets, would take care not to double the danger of disclosure by employing two persons where one would be sufficient. But, in fact, the theory above referred to stands on no basis sufficiently solid to admit of argument. It is impossible to prove a negative in such a case.

[2] This seems to be the meaning of the letter of January 22 (Bacon's *Works*, ed. Montagu, vi. 219). In asking for the choice of a 'Steward of judgment that may be able to moderate the evidence and cut off digressions,' Bacon, probably, was thinking of the way in which Essex's trial had been allowed to lapse into a scene of mutual recrimination.

to her by the King at her own request,[1] and he had proposed that a similar course should be pursued towards Somerset himself, if he allowed himself to use language derogatory of the King's honour.

Trial of the Countess.

On May 24, the Countess of Somerset took her place in Westminster Hall, as a prisoner, at the bar of the High Steward's Court. It was to this that the passions and frivolities of her young life had led her. The Hall was crowded with the faces of men who had come to look upon her misery as upon a spectacle. No wonder that, whilst the indictment was being read, she turned pale and trembled, and that when she heard the name of Weston first mentioned, she hid her face behind her fan. When the indictment had been read, she was asked, according to the usual form, whether she was guilty. The evidence was too plain, and there was nothing for it but to plead guilty. After Bacon had made a statement of her connection with the poisoning, she was asked whether she had anything to say in arrest of judgment. In a voice so low as to be almost inaudible, she replied that she could not extenuate her fault. She desired mercy and begged that the Lords would intercede for her with the King. Ellesmere upon this pronounced sentence, and the prisoner was taken back to the Tower, to await the King's decision.[2]

The Earl hopes to escape a trial.

The next day was appointed for the trial of the Earl. He had made one last effort to avoid the necessity of standing at the bar. He pretended to be mad or ill, and unable to leave the Tower. If he still hoped to work on the King's feelings to save him from the degradation of a public trial, he had calculated wrongly, and at the appointed time Sir George More, the new Lieutenant of the Tower, was able to produce him at the bar.

[1] Bacon to Villiers, May 10. *Letters and Life*, v. 290 ; see p. 186, note 1.

[2] *State Trials*, ii. 951. Chamberlain says, "She won pity by her sober demeanour, which, in my opinion, was more curious and confident than was fit for a lady in such distress, yet she shed or made show of some tears divers times." Chamberlain to Carleton, May 25, *Court and Times*, i, 406. It is easy to see that there was a difference of feeling on the part of the observers. Chamberlain was evidently in a critical mood.

It does not follow that these repeated efforts to avoid a trial were equivalent to an acknowledgment of guilt. The Court was composed of English Peers, and there was scarcely an English Peer who was not his mortal enemy, whilst Ellesmere, who acted as Lord High Steward, had been one of the leaders of the party which had long striven to pull him down.

Whether he were innocent or guilty, at least Somerset bore himself proudly in the face of danger. All the efforts which had been made to wring a confession from him had been in vain. In spite of threats and promises, he pleaded Not guilty. After a few words from Montague, Bacon opened the case. He spoke of the horrible nature of the crime which had been committed, a crime from which no man could secure himself, and which, when it was once committed, it was almost impossible to detect. He then proceeded to lay down the doctrine which, however iniquitous it might be, was generally accepted at the time, that the Peers were bound to consider the verdict in Weston's case as fully proved, so that they might not allow themselves to raise any questions as to the fact of the poison having been administered, as that verdict declared it to have been. All that he had to prove was that Somerset was accessory to the murder, the facts of which must be taken for granted. He then gave his account of the connection which had existed between the prisoner and the murdered man. Somerset, he told the Court, had been on terms of the closest intimacy with Overbury, till he found that his dependent was doing his best to deter him from the marriage upon which he had set his heart. Upon this Somerset grew alarmed, as he had entrusted Overbury with important state secrets, which might be easily used to his ruin. At the same time, Lady Somerset and Northampton agreed in hating the man who was opposing the marriage out of dislike both to the lady herself and to the whole family of the Howards. It was agreed amongst them that Overbury should be invited to go abroad, whilst Somerset was to induce him to refuse the employment offered to him. An excuse would in this way be found for his committal to the Tower, where it would be easy to get rid of him by poison. Whilst Weston, by Mrs. Turner's direction, was giving him one poison after another, Somerset

May 25. Trial of the Earl.

Bacon's speech.

was doing what he could to prevent his obtaining his enlargement from the King. Bacon then stated that there was evidence in possession of the Government sufficient to prove four points: namely, that Somerset bore malice to Overbury before his imprisonment; that he contrived the scheme by which that imprisonment was effected; that he actually sent poisons to the Tower; and that he did his best to suppress the proofs of his guilt. The first two of these he proposed to deal with himself, the others would be left to Montague and Crew, who were his assistants in conducting the prosecution.

There could be little difficulty in proving the two points which Bacon had selected for himself, as they referred to facts of which there could be no reasonable doubt. The letters which Overbury had written, together with Somerset's answers to Northampton, were now available as evidence, having been brought to Coke by the person to whom they had been delivered for the purpose of concealing them. By means of these and of some other evidence which was produced, it was shown beyond a doubt that Somerset had entrusted Overbury with state secrets, and that Overbury considered that he had been ill-treated by his patron. But when Bacon proceeded to argue that it was the fear of the disclosure of these state secrets which made Somerset desirous of putting Overbury to death, he was simply begging the question at issue.[1]

Evidence produced by him.

With the second point there was as little difficulty. Somerset had himself acknowledged that he had had a hand in procuring Overbury's imprisonment, and it was easy to establish the fact that he had taken part in the appointment of Helwys and Weston. Passages were also produced from Northampton's letters to Somerset, which proved that there had been some plot in which they had both been concerned, and that Helwys had expressed his opinion that Overbury's death would be a

[1] "That," he says, "might rather cause him to fear him than the hindrance of his marriage; if that had been it alone, his going beyond sea would have served the turn." Not at all, if he was afraid that Overbury might give information to the Court then sitting, which would lead it to reject the suit for the dissolution of marriage. He might do this by letter; which was the very thing he was prevented from doing in the Tower.

satisfactory termination to his imprisonment.[1] As soon as Bacon had concluded the part which had been assigned to him, Ellesmere pressed Somerset to acknowledge his guilt. "My lord," was Somerset's reply, "I came hither with a resolution to defend myself."

Montague's argument.

The evidence by which it was intended to prove that the poison had actually been administered with Somerset's knowledge, was then produced by Montague. He first showed that Somerset had been in the habit of sending powders to Overbury. Being, however, destitute of even a shadow of evidence to prove that the powders were poisonous, he was obliged to fall back upon the irrelevant assertion that four several juries had declared by their verdicts that they were so. He then produced a letter of the Countess of Somerset's, written to Helwys, to prove that the tarts and jellies sent had contained poison, and attempted to show, by the interpretation of an expression which had been disavowed by Lady Somerset herself, that Somerset had been the person who had sent them. That there had been any poison in the tarts at all, was supported by a declaration of Lady Somerset; but we have no means of knowing whether this declaration might not have been made after she had discovered that it was impossible to make any satisfactory defence for herself, and when she was ready to confess anything that her examiners wished. Even if there had been poison in the tarts, it would be necessary to show something more than that they had been originally sent from his kitchen. Accordingly, a deposition of Franklin's was produced, in which he declared that Lady Somerset had shown him a letter written by the Earl whilst Overbury was in prison, in which he said that 'he wondered

[1] In the printed trial it is said that the Lieutenant concludes that Overbury 'will recover and do good offices betwixt my Lord of Suffolk and you, which, if he do not, you shall have reason to count him a knave; or else, that he shall not recover at all, which he thinks the most sure and happy change of all.' In the other report, the last sentence stands, 'but the best is not to suffer him to recover.' If Northampton really had written this, it is inconceivable that no more use should have been made of it by the prosecution.

these things were not yet despatched;' and added, that 'Overbury was like to come out within a few days, if Weston did not ply himself.' Montague took care not to breathe a syllable of the worthless trash which Franklin had also sought to palm off upon the examiners in hopes of obtaining a pardon, which would have been sufficient to prove that no credit whatever ought to be given to the most solemn declarations of so unblushing a liar.

Crew's argument.

The effort to show that Somerset had had any connection whatever with the administration of poisons to Overbury having thus, according to our notions, thoroughly broken down, and not even an attempt having been made to prove that he had so much as heard of the bribe which had been given to the apothecary's boy, by whom the murder, as far as we can judge, was actually effected, Serjeant Crew rose, and took up the comparatively easy task of drawing inferences from the subsequent proceedings of Somerset. His suppression of the letters which had been written at the time, his authorising Cotton to misdate them so as to mislead the judges, and his attempt to procure a pardon from the King, were undoubtedly indications that Somerset had done something of which he was ashamed. But that they proved that he had poisoned Overbury was another matter altogether, which Crew himself could only take for granted.

Close of the case for the prosecution.

Upon this the case for the prosecution was closed. In our own day the counsel who would appear on behalf of the prisoner would have little trouble in overthrowing the evidence which had been produced. He would probably content himself with pointing out, in a few short words, that no sufficient proof had been alleged that Overbury had ever been poisoned at all, and that, if he had been, it had certainly not been shown that Somerset had had anything whatever to do with the crime.

Difficulties of Somerset.

How different was the case when Somerset stood at the bar to reply to the charges which had been brought against him! He knew that there were some amongst his judges who had long been prejudiced against him, and that even if they came with the most honest intentions,

they had never been trained to the difficult task of sifting evidence so as to arrive at the truth, and that they were liable to be led away, both by their own feelings, and by the skill and eloquence of the lawyers. He was allowed no counsel to undertake his defence, and, unpractised as he was, he was called on to point out the defects in a long train of evidence, much of which he had, on that day, heard for the first time, without the power of summoning any witnesses, or of producing any evidence which it had not suited the purposes of the Crown lawyers to bring forward of their own accord.

All these difficulties Somerset laboured under, in common with every man who, in those days, stood in the position which he was occupying. But there was one obstacle in his way which was peculiar to himself. It was necessary for him not only to show that the evidence against him was insufficient to justify his condemnation, but to make out a story in which the facts were sufficient to account for the suspicious circumstances connected with the imprisonment of Overbury, and with the subsequent destruction of the letters which he had written and received at that time. This story, though it was probably true, would not bear telling. He could not well tell the Court of all that had passed between himself and Lady Essex before the dissolution of the marriage, and that he had plotted and intrigued to detain Overbury in prison, through fear lest he should give evidence which might prevent the passing of the sentence of divorce, which the lady was then desirous of obtaining by means of false representations. And if he had told this tale of shame in the face of the world, what hope was there that the Peers, hostile to him as they were, would believe him, or, if they did believe him, that they would abstain from pronouncing a verdict against him, which they might easily justify to themselves by the loose views which prevailed in that age?

Whatever may have been his faults, and even his crimes, it is impossible not to look with some respect upon the man who stood up, exhausted by the long course of the trial, to make his defence in what he must have known to be a hopeless cause, rather than purchase the pardon which was held out to him by confessing himself to be guilty of murder. It was

late in the evening when he began to plead in defence of his honour rather than of his life. The daylight had died away before the Crown lawyers had done their part, and the torches threw their glaring light over the faces which were all turned in one direction, to hear what defence could possibly be made by the man of whom such a tale could be told as that to which they had just been listening.

He began by acknowledging that he had consented to Overbury's imprisonment, in order to put it out of his power to hinder his marriage with Lady Essex. If any means had been used to poison Overbury whilst he was in prison, he had known nothing of it. As to Northampton's letters, they proved nothing against him. He then referred to the letter which, according to Franklin, had been written by him, and which formed one of the strongest parts of the evidence against him. "If this letter," he said, "be to be produced, if Frances ever confessed that I did ever send such a letter unto her, I am then guilty and convicted without excuse; but I call Heaven now to witness I never wrote any such letter, neither can such be produced. Let not you, then, my noble Peers, rely upon the memorative relation of such a villain as Franklin, neither think it a hard request when I humbly desire you to weigh my protestations, my oath upon my honour and conscience, against the lewd information of so bad a miscreant." He then proceeded to answer the charge of having been concerned in sending poisons to the Tower. The tarts, he said, which he had sent were good; if his wife had sent any in which poison had been mixed, this was nothing to him. As for the powders, he had received them from Sir Robert Killigrew, and sent them on; and Overbury had himself acknowledged, in a letter which was before the Court, that he had not suffered from them. Here he was interrupted by Crew, who told him that the three powders which he had received from Killigrew had been otherwise accounted for. The powder in question was one not sent by Killigrew, and must have been poison. The discrepancy was not material, as it was not likely that Somerset would remember the exact history of the powders which he had sent to Overbury two years before, and it was a

His defence.

mere assertion of the lawyers that this fourth powder, however acquired, was poison. But with the general feeling of the Court against him, Somerset's inability to explain the origin of this powder was undoubtedly damaging to his case. Nor were his explanations as to his reasons for destroying the papers and obtaining the pardon altogether satisfactory.

When he had concluded his defence, the Lords retired to consider their verdict. On the one hand they had heard an argument which had no inherent improbability in itself, and which was supported by a chain of evidence of which they, at least, were unable to see the deficiencies. On the other hand, the prisoner's defence had been made with courage and ability, but it was not without some reticence on points which it was necessary to clear up. He had failed to prove his innocence to be beyond question, and the Peers unanimously agreed to pronounce him guilty.[1] Somerset, after expressing a hope that the Court would intercede with the King for mercy, was removed from the bar.[2]

The verdict.

[1] Mr. Spedding's argument on the side of Somerset's guilt should be compared with what I have said, especially in *Letters and Life*, v. 328. Still, closely reasoned as the greater part of the argument is, I cannot convince myself that the destruction and falsification of evidence is so fatal to the theory of Somerset's innocence as Mr. Spedding thought. Knowing, as Somerset did, that he had been at the bottom of the original scheme of administering emetics, he must have seen that all the evidence of that which he had done would tell against him on the graver charge. Nor does Mr. Spedding take account of Somerset's knowledge of the violent hostility of the lords and gentlemen about the Court, which must have made him feel that everything against him would be interpreted in its worst sense. This comes out strongly in incidental allusions to his position in Sarmiento's despatches, which I have recently been able to read over again in Mr. Cosens's transcripts.

[2] *Amos*, 65-111; 122-156. It is difficult to say what is the principle upon which the differences between the reports printed by Mr. Amos rest. The two reports of Lady Somerset's letter show that neither reporter had access to the documents read in Court, as do also the mistakes in the nicknames applied to persons in the Overbury correspondence. If this is the case it would not be right to attribute the alterations in the first report to an official hand. Yet some of the discrepancies noticed by Mr. Amos (113-120) are suspicious. It is curious that he does not mention the most important of all, that in the letters from Northampton.

It was now left to the King to decide what he would do. James was greatly relieved when he heard that the trial had passed off without anything disagreeable to himself. He had shown great anxiety for news, fearing, no doubt, that Somerset would betray the secret of those negotiations with Spain which he was so desirous of concealing.[1] Whatever might be thought of the other actors in the tragedy, if there had been one thing which had been more plainly proved than another, it was that Lady Somerset had been the main instigator and author of the murder. It was unjust to take away the lives of her tools, whilst she herself was allowed to escape. Yet James never seems to have entertained the thought of allowing the sentence to pass upon her, and it would indeed have been very hard for him to decide otherwise than he did. Her youth and beauty, her powerful friends, her very womanhood, with its impulsive, passionate nature, all concurred to plead hard for her. On July 13 her pardon was sealed,[2] though the imprisonment in the Tower was not remitted. Before it was completed it had been sent back to Bacon,[3] with directions that he should insert in it the excuse that she had been drawn into crime 'by the procurement and wicked instigation of certain base persons.'

Pardon of the Countess.

We are left to depend upon conjecture for the motives which James allowed to influence him in sparing Somerset's life. We know that he refused to allow his arms to be taken down from amongst those of the other Knights of the Garter at St. George's Chapel at Windsor. We also gain glimpses of a negotiation which was going on, by which Somerset might have obtained a pardon if he had chosen to submit to the conditions offered.[4] A letter[5] has

Somerset's life is spared.

[1] Sherburn to Carleton, May 31, *S. P.* lxxxvii. 40.

[2] *State Trials*, ii. 1005. Sherburn to Carleton, July 13, *S. P.* lxxxviii. 15.

[3] This is implied in Bacon's letter to Villiers, July 11, *Letters and Life*, v. 375.

[4] Nethersole to Carleton, Sept. 2, 1624, *S. P.* clxxii. 2.

[5] The letter is printed in *Cabala*, i. 1. It has been used to prove that Somerset was aware of some secret with which he was able to threaten the King, a use which can be made of it only by those who come to the reading

also been preserved, written by Somerset to the King, apparently after it had been agreed that his life should be spared,

of it with a foregone conclusion. The intention of the writer is evidently to ask for the restitution of his property from the King himself, without being obliged to obtain the intercession of anyone. The passage, "I will say no further, neither in that which your Majesty doubted my aptness to fall into; for my cause, nor my confidence is not in that distress as for to use that means of intercession, nor of anything besides, but to remember your Majesty that I am the workmanship of your hand, &c.," plainly bears the meaning which I have assigned to it, as does the earlier sentence, "I am in hope that my condition is not capable of so much more misery as that I need to make myself a passage to you by such way of intercession." The whole letter, I think, presupposses that Somerset's life had already been granted him. He is now petitioning for the restoration of the whole of his property. He distinctly declares his innocence. "I fell," he says, "rather for want of well-defending than by the violence or force of any proofs: for I so far forsook myself and my cause, as that it may be a question whether I was more condemned for that, or for the matter itself which was the subject of this day's controversy." Another passage is very curious: "Aspersions are taken away by your Majesty's letting me become subject to the utmost power of the law, with the lives of so many of the offenders. . . . Neither ever was there such aspersion (God knows), in any possibility towards your Majesty, but amongst those who would create those pretences to mislead your Majesty, and thereby make me miserable." Does not this refute the idea that Somerset threatened James that he would accuse him of having part in the murder of Overbury? The idea had first proceeded from the King himself, who wrote to More that he could not hear a private message from the prisoner without making himself accessory to his crime. The aspersions just spoken of evidently refer to James's fear lest he should be supposed to have had part in the crime. Would Somerset have written thus, if he had ever threatened James with accusing him of taking such a part? Still, however, the difficulty remains unsolved as to the real purport of Somerset's messages, which threw James into such consternation. There is a slight hint in the letter which may, perhaps, help us a little. "Nay, to some concerned in this business, wherein I suffer, you have pardoned more unto than I desire, who (as it is reported), if they had come to the test, had proved copper, and should have drunk of the bitter cup as well as others." Does not this refer to the Monsons? And if we put this together with whatever fact is at the bottom of Weldon's distorted story about the trial of Sir T. Monson, it makes it not altogether improbable that it was something connected with the Spanish pensions wnich Somerset threatened to blurt out at the trial.

in which he states that he had renounced all claim to pension, place, or office, and, as far as can be made out from the obscure allusions to circumstances which are unknown to us, refuses to accept of the intercession of some person whose name is not given, which he was, as it would seem, to purchase by the sacrifice of some portion of his property. Knowing as we do that there was a proposal to grant to Villiers the manor of Sherborne, which had been repurchased by Somerset from the Crown in the preceding summer, it is by no means unlikely that a pardon was offered to Somerset, with full restitution of his property, if he would agree to make use of the intercession of Villiers, and to give up to him the manor of Sherborne. This, however, was what Somerset steadily refused to do. He declared that he was an innocent man, and as such he would accept favours from no hand but from that of the King himself.

He is kept a prisoner for many years.

It was in all probability in consequence of this firmness that he was kept in prison, with the judgment which had been pronounced against him hanging over his head, till January 1622, when he and the Countess were permitted to leave the Tower, though they were still confined to certain places of residence which were allotted to them. At last, a few months before the King's death, Somerset received a formal pardon for the offence of which he had been convicted.

But receives a pardon at last.

The Monsons did not remain long in prison. In July, Sir William was set at liberty.[1] Sir Thomas was allowed to leave the Tower, on bail, in October, and his case was referred to Bacon and Yelverton, who reported that there was not sufficient evidence to proceed against him. Accordingly, a pardon was granted to him, which he pleaded at the bar of the King's Bench, declaring, at the same time, that he was perfectly innocent of the crime which had been imputed to him.[2]

Liberation of the Monsons.

[1] *Carew Letters*, 39.

[2] *Ibid.* 47. Bacon and Yelverton to the King, Dec. 7, 1616. Statement of the case of Sir Thomas Monson, Feb. 12, 1617, Bacon's *Letters and Life*, vi. 120.

CHAPTER XXI.

TWO FOREIGN POLICIES.

THERE is one subject which presents itself again and again with unvarying monotony to all who study the history of the Stuart Kings. Whilst everything else was changing around them, the emptiness of the Exchequer continued to perplex the brains of a whole succession of Treasurers. On September 24, just after the Government had come upon the traces of the poisoners, James assembled the Council at Greenwich, and informed them that he was anxious to pay his debts, and to reduce his expenditure, and that he looked to them to tell him how it was possible to effect the object which he had in view.

1615. Sept. 24. James expresses a wish to pay his debts and to reduce his expenditure.

The next day the Council met again, and, after full deliberation, decided that the debt, which was now above 700,000*l.*, was far too great to be met in any way excepting by a Parliamentary grant. Three days later, a discussion was opened as to the measures which it was necessary to take in order to induce the House of Commons to treat the King with liberality.

Sept. 25. The Council recommend a Parliament.

The first who spoke was Lake. He had no difficulty in putting his finger upon the real points at issue. There was a general impression, he said, that the King was too bountiful, and that he was acting illegally against the liberties and privileges of his subjects. With a view to meeting the first complaint, His Majesty must be moved to stay his hand from gifts until his estate was in a more flourishing condition, and to reduce his expenses in whatever way might appear to be most practicable. As to the other

Sept. 28. They discuss the measures to be taken before it is summoned.

matter, let the grievances of 1610 be submitted to the King's Council, and if any of them were selected as being fit to be redressed, let them be dealt with without any further delay. Of all the grievances, that which roused the greatest opposition was the levy of the Impositions, and it would be necessary to deal with them in some way or another. Although, however, Lake saw where the difficulties lay, he did not propose that the King should relinquish his right to the Impositions altogether; but he proceeded to suggest the enactment of certain laws for the benefit of trade. The two following speakers, Sir Julius Cæsar and Sir Thomas Parry, contented themselves with expressing a general assent to these views.

Coke, who spoke after Parry, advocated still stronger measures. It would be necessary, he said, that, in addition to the contemplated reduction of the expenditure, a stop should be put to the payment of pensions till the King's debts had been liquidated. It would also be well that a statement should be drawn up of the expenses which had been incurred at the commencement of the King's reign, and that it should be presented to Parliament, in order that it might be seen that the difficulties of the Treasury did not arise from prodigality. He then proceeded to advise that no attempt should be made to influence the elections. He had seen in the last Parliament that all efforts of this kind had only recoiled upon their authors. He then recommended (and it is difficult to believe that he was not influenced by a desire to put a check upon the influence of his great rival) that none of the King's learned counsel should have seats in the Lower House, partly because they were needed in the House of Lords, and partly because their presence was disliked by the Commons. He concluded by moving that committees might be formed of members of the Council to consider of the particular concessions which were to be made. On the point of the Impositions he did not utter a word.

Sir Fulk Greville, the Chancellor of the Exchequer, seemed unwilling to give up the revenue which he derived from that source, but he finally consented to make over the whole subject to the new Parliament, to deal with it at its pleasure.

Winwood was the next speaker. He agreed with Coke,

as far as he had gone, but he expressed a wish that a special committee might examine the Impositions, to see in what way relief could best be given. He added a suggestion of his own, that assurance should be given to the Parliament that whatever supplies it might grant should be employed upon the public service, and in no other way. The principal speakers who followed were Bishop Bilson, who recommended that the people should be taught 'that relief to their Sovereign in necessity was due *jure divino*, and no less due than their allegiance and service;' Pembroke, who laid special stress on the settlement of the Impositions; Suffolk, who declared his belief that 'the taking away of impositions *de facto* would not satisfy the Parliament, but that the point of right would be insisted upon;' and Ellesmere, who assured the Board that 'he would not speak of His Majesty's right of imposing, nor even give consent it should be spoken of in Parliament or elsewhere,' and who proposed a thorough investigation into various proposals for improving the financial position, or for rendering the King more popular.

As soon as the King had been informed of the discussion, he approved of most of Ellesmere's recommendations, and on the following day the Council divided itself into committees, for the purpose of taking them separately into consideration.[1]

Feeling of the Councillors.

The Councillors, it would appear, were all of them anxious that Parliament should be called, and were all of them aware of the importance of the question of the Impositions. Not one of them, however, really suggested a way out of the difficulty.

It is by no means unlikely that James felt that it would be well to consult another and a better adviser than was to be found in the Privy Council. At all events Bacon, about this time, wrote him a long letter, encouraging him to summon a Parliament.[2] In many respects his view coincided with that of

[1] 'Consultation . . . for a Parliament,' Bacon's *Letters and Life*, v. 194. As Mr. Spedding has suggested in his *errata*, the Bishop of Winchester should be Bilson, not Andrewes.

[2] Bacon to the King, *Letters and Life*, v. 176. Mr. Spedding thinks it must have been written a little before the meeting of the Council, because

the Councillors; but he had a definite plan for dealing with the Impositions, and he saw, what none of the Councillors had seen, the connection between the domestic and the foreign policy of the King. The double marriages between France and Spain were almost immediately to take place, and the French Protestants were at a grave disadvantage. There was still a danger of war breaking out in Cleves and Juliers. "These things," he wrote, "will give fire to our nation, and make them aspire to be again umpires of those wars, or at least to retrench the greatness of Spain for their own preservation. And this is a subject worthy for counsellors of state and others of quality to work upon to move a Parliament, which is ever best persuaded by somewhat that is above their capacity; and not to stand as in a shop to set out the King's bills of graces, whereof every man will take upon him to discern, and to value his own judgment by disvaluing the pieces."

Such a policy implied no war of aggression upon Spain. It was one of defence against a Government bent upon imposing its religious and political system by force and intrigue upon the rest of Europe.

It was necessary, however, for Bacon to say more than this. Writing of the good effect which might ensue if the King could show that he was not entirely dependent on Parliament, he referred to that negotiation which Digby was then carrying on at Madrid, and of which, if he knew little, he certainly suspected more than he knew. He therefore recommended James to make use of 'the opinion of some great offer for a marriage of the Prince with Spain.' "Not," he went on to say, "that I shall easily advise that that should be really effected; but I say the opinion of it may have singular use, both because it will easily be believed that the offer may be so great from that hand, as may at once free the King's estate; and chiefly because it will be a notable attractive to Parliament, that hates the Spaniard, so to do for the King as his state may not force him to fall upon that condition."

the discussion is not mentioned. But it would be disrespectful in him to mention what was understood to be secret. The beginning would hardly have been so abrupt unless his opinion had been asked.

Perhaps, if Bacon had been writing simply to express his own thoughts, he would not have couched them in quite so unsatisfactory a form; but at all events the meaning is clear. He wished James to take his place against Spain in the coming struggle. In fact the question whether there was to be a successful Parliament or not depended quite as much on the line which James might take in this matter as it did on his resolution about the Impositions.

Unfortunately, James was the last man in the world to take up the position to which Bacon pointed. Opposition to Spain was, for him, too closely connected with the war of plunder and aggression which was favoured by Abbot and Winwood, to have any charms in his eyes.

On December 7, whilst the Council was still labouring over projects of economy, he sent Lord Fenton—the trusty Scotchman who, as Sir James Erskine, had succeeded Raleigh as Captain of the Guard—to assure Sarmiento that in spite of the interruption caused by Somerset's disgrace, he was ready to go on with the negotiations for the marriage, and that he wished to be on the most friendly terms with the King of Spain.[1]

Dec. 7. James resolves to proceed with the Spanish marriage.

That there was anything incompatible between this resolution and his wish to call a Parliament, James did not understand. Abbot and Winwood continued to represent to him the advantages which he would gain by summoning Parliament. Shortly before Christmas the Council reported in favour of various economies, and James promised to diminish his personal expenditure as far as he could. He expressed himself as being eager that Parliament should meet,[2] and on December 22 he gave a public intimation of his wishes by appointing Pembroke, who was hostile to the Spanish alliance, to the office of Lord Chamberlain, which had become vacant upon Somerset's arrest.[3]

James anxious to summon Parliament.

[1] Sarmiento to Philip III., Dec. $\frac{10}{20}$, *Simancas MSS.* 2594, fol. 77.

[2] Sarmiento to Philip III., Dec. $\frac{16}{26}$, *ibid.* 2594, fol. 93.

[3] *Carew Letters*, 21.

In less than a fortnight the wind had changed. On January 2, 1616, the Catholic Earl of Worcester became Lord Privy Seal, and on January 3, not only was the Mastership of the Horse, which had been vacated by Worcester, given to Villiers, an appointment which had no political significance, but Lake the confidant of the Howards, the friend and now the pensioner of Spain, was made Secretary of State, to counterbalance Winwood.[1] On the same day James had a long interview with Sarmiento, and on January 20, the Spanish ambassador was able to inform his master that the thought of summoning Parliament was for the present laid aside. The King had in fact taken alarm at the turmoil around him. The impression made by the Spanish marriages in France had resulted in a war-cry in England, and the hesitation of the Dutch to carry out their part of the treaty of Xanten until they could be certain that the Spaniards would carry out theirs, irritated James in the extreme.[2]

1616. The design of summoning Parliament abandoned.

James could not, however, be consistent in any one line of policy. He saw too many sides to every question to be a mere partisan, whilst he was incapable of rising into a statesman, because he never saw more than one side at a time. The abandonment of the idea of calling a Parliament brought with it the necessity of finding a large sum of money; and however large might be the portion which the Infanta might be expected to bring with her, some time must necessarily elapse before that source of revenue would be available to meet the wants of the English Exchequer. The time was therefore propitious to those who could hold out hopes of gain to James, and the opponents of Spain were at this time fertile in financial projects which, as they fondly hoped, might lead him into a quarrel with that country. With this object in view, Ellesmere and Abbot, Pembroke and Winwood, had turned their eyes upon the man who still survived as the foremost relic of the Elizabethan age.

Plans of the opponents of Spain.

[1] *Carew Letters*, 22.

[2] Sarmiento to Philip III. Jan. $\frac{20, \text{Jan. } 22,}{30, \text{Feb. } 1,}$ *Simancas MSS.* 2595, fol. 23, 33.

That age, indeed, had not been altogether of pure gold. Side by side with its hardy daring, and its chivalrous devotion, were to be found its low intrigue, and its disregard of moral restraint. The social and religious system of the fifteenth century had fallen to the ground. The social and religious system of the seventeenth century was not yet in being. The men who had served Elizabeth had, indeed, for the most part, the root of the matter in them. Their imaginations were fixed on high and noble objects. But it was reserved for another generation to define, more strictly than they had been able to do, the boundary between right and wrong ; and to form those habits of duty which stand like a wall of rock against temptation, when the unaided heroism of the individual man would resist in vain.

Of this age, of its faults and vices, as well as of its heroism, Sir Walter Raleigh was the most complete representative. There had been a time when men had looked to him for counsel, and they had seldom looked in vain. He had been the Ulysses of a time prolific in heroes. His exploits had been achieved in many climes and under every possible variety of circumstances. Amongst the bogs of Ireland, and under the walls of Cadiz ; where the surf of the Atlantic dashes against the rocks of the Western Isles ; and where the mighty flood of the Orinoco freshens the salt waves of the ocean, he had made his name known as that of a man fertile in expedients and undaunted in valour.

1594. Sir W. Raleigh.

Unfortunately Raleigh's heroism was the result rather of high instinct than of high principle. It was certain that he would never betray to the enemy, like Sir William Stanley, a post committed to his charge, or accept a pension from Spain, like Salisbury and Northampton. But he never could learn the lesson that there are times when inaction, or even failure, is better than the most glorious success. He loved to bask in the sunshine of a court, and he tempted men to forget the blows which he had dealt upon the Spaniard, in the ever-present spectacle of the monopolies with which his purse was filled, and of the broad lands which he had torn from the feeble grasp of the Church. Nor could he ever understand that it

was better to lose sight of the object which he had in view, than to secure it by falsehood and deceit. In his later years he was most especially exposed to his besetting temptation. For it was then that he was called upon to bear injustice with equanimity, and to submit patiently to suffering, rather than to put forth his hand to work which he was unable honestly to accomplish.

His thoughts occupied with the Indies.

Long before Raleigh ever saw the face of James, he had been attracted to those countries which were to witness the last exploits of his life. In 1594, he was living at Sherborne in forced retirement, and was undergoing the penalty which had been inflicted upon him by Elizabeth for the wrong which he had done to her whom he had at last made his wife. He there found leisure to ponder once more over the narratives of the Spanish discoveries in America, in which he had taken so deep an interest. As he read, the fire of ambition lighted up within him. He, too, longed to place his name on the roll of the conquerors of the New World. But the fame for which he was eager was very different from that with which Cortes and Pizarro had been contented. His mind had been stirred to the depths by the tales of demoniac cruelty which were wafted across the Atlantic with every ship which returned in safety from the perils of the western seas. Over these tales he brooded till he conceived the idea of another conquest—of a conquest to be undertaken for the preservation, not for the destruction, of the natives of the land. Might there not be other empires upon the American continent as rich and as powerful as those which had succumbed to a handful of Spanish adventurers? To them he would present himself in the name of the Great Queen, whose servant he was, in order that he might save them from the oppressors of their race. He would train them to the use of arms, and to habits of military discipline. Spain had degraded the Indians to the lot of bondsmen. England should raise them to the dignity of civilised and intelligent freemen. For such services, he doubted not, the grateful Indians would willingly pay tribute to their benefactors out of the superfluity of their wealth. England would no longer be over-matched

in the battle which she was waging for her very existence. The golden stream which was ceaselessly flowing into the Tagus and the Guadalquiver would, at least in part, be diverted to the Thames. No longer would complaints be heard of the difficulty of meeting the expenses of the war with the miserable revenue which was all that Elizabeth could call her own. The gold which had been used by Philip to corrupt and enslave would, in English hands, be all-powerful to free the nations of Europe from his detested yoke.

El Dorado.

The tract of country in which Raleigh hoped to try the grand experiment was situated somewhere above the head of the delta of the Orinoco, at an unknown distance from the southern bank of the river. Here, if credit was to be given to the reports generally current, was to be found a kingdom whose treasures were at least equal to those which, at the cost of so much blood and misery, had been wrested from the Incas of Peru. It was said that the sovereign of this mighty empire had his abode in the city of Manoa, upon the shores of the lake of Parima, a vast inland sea to which the Caspian alone, amongst eastern waters, was to be compared. The name of El Dorado, the Golden, was in these narratives sometimes applied to the king himself, who was said to appear on festive occasions with his bare limbs sprinkled with gold dust ; but more generally to the city in which he was supposed to hold his court. According to a legend, which was probably of Spanish origin, he was a descendant of a younger brother of the Inca Atahualpa, who had himself been treacherously slaughtered by Pizarro. The remainder of this story was perhaps of native growth, though the seeds from which it sprang had in all probability been quickened into life by the eager inquisitiveness of Europeans.

Probable origin of the fable.

The lake of Parima has long since resolved itself into the inundations which, at certain seasons of the year, spread over the level plains, to the enormous extent of fourteen thousand square miles.[1] For the fable of the Golden City no similar foundation has been discovered. Gold is

[1] Raleigh's *Discovery of Guiana*. Ed. Schomburgk, Introd. 54. I shall always quote from this edition.

indeed found amongst the rocks and in the river-beds of Guiana, but it does not exist in sufficient quantities to repay the expenses of working. It must not, however, be forgotten, that to give rise to such a tale, it was enough that the wealth described should have been of importance in the eyes of the first narrators, however little its value may have been when judged by the European standard. Whatever gold was in existence would soon find its way into the hands of the most powerful and warlike of the neighbouring tribes, and it is certain that the value of the riches thus acquired would speedily be exaggerated by all who had suffered from the violence of its possessors. When once the idea of great wealth had been accepted, the tale would quickly spread from tribe to tribe, and would be repeated with peculiar emphasis whenever a white man happened to be present. It was too well known that these strange beings from beyond the sea had come to search for gold, and the lesson was soon learned that the surest way to purchase their aid was to impress them with a belief in the unbounded wealth of the enemy.

It is easy for us to laugh at such a tale as this. In Raleigh's day it would have been difficult to show any satisfactory reason for rejecting it. Raleigh, at all events, believed it; and the spring of 1595 saw him once more upon the seas, bound for that new world which had filled so large a place in his thoughts, but which he had never yet seen with his bodily eyes.

1595. Raleigh's first voyage to Guiana.

From Berreo, the Spanish governor of Trinidad, whom he had contrived to capture, Raleigh learned something of the Golden Land of which he was in search. The Spaniard, too, had joined in the quest, and had even formed a settlement, named San Thomè, not far from the spot where the Caroni discharges its waters into the Orinoco, which he had hoped to make the basis of his future operations. But it was not long before the presence of Spaniards produced its usual consequences. The Indians were goaded into resistance by the cruelty of thier oppressors, and Berreo's little band found the post no longer tenable. Berreo had accordingly been compelled to retire to Trinidad, where he was awaiting reinforce-

ments from Spain at the time when Raleigh appeared upon the coast. The only Spanish force left on the Orinoco was a small garrison occupying a village belonging to a chief named Carapana ; but, as this place was situated below the head of the delta, on the eastern branch of the river, Raleigh would find no difficulty in making his way unobserved up the western channel.

Hostile attacks, however, were not the only danger to be encountered. For two hundred and fifty miles—a distance which was magnified into four hundred by the imagination of the weary rowers—Raleigh and his companions struggled in open boats against the mighty stream which was sweeping past them to the sea. The unwholesome food which they carried with them was barely sufficient in quantity to support their exhausted frames. Day after day they were parched by the scorching sunbeams, and by night they were exposed to the heavy dew. At last they arrived at Aromaia, a district not far from Berreo's deserted settlement of San Thomè. The chief of the tribe by which that part of the country was occupied had been put to death by Berreo's orders, and his uncle and successor, Topiawari, was glad enough to welcome in the English stranger an enemy of Spain. The Indian told him all he knew, or thought he knew, about the golden empire, and gave him guides to accompany him amongst the neighbouring tribes. Raleigh, as soon as he had left the friendly chief, ascended the stream as far as the mouth of the Caroni, where he picked up some stones in which fragments of gold were imbedded. On his return, he held a long consultation with Topiawari. The Indian promised him the assistance of the neighbouring tribes in his attack upon El Dorado, but recommended him, on account of the lateness of the season, to defer his enterprise till the following year.[1]

The ascent of the river.

Raleigh, therefore, took leave of Topiawari, with a promise that he would soon be back again. A little lower down the stream he was persuaded by his Indian guide to leave the boats, and to strike off into a track which ran along the foot of the hills at no great distance from the

A gold mine pointed out.

[1] *Discovery of Guiana*, 42–98.

southern bank of the river, and which led, as the Indian assured him, to a mountain where stones of the colour of gold were to be found. Raleigh accompanied him to the place, and saw the stones, but does not seem to have thought them of any great value. After some further explorations, he returned to the boats, leaving Keymis, his faithful follower, who was a better walker than himself, to accompany the Indian in a direction parallel with the stream, so as to rejoin his comrades lower down. In due course of time Keymis was taken on board at the appointed place. At first he did not speak of having seen anything remarkable. Afterwards he remembered that, as he passed a certain spot, the guide had made signs to him to follow him; but that, supposing that he merely wished to show him a waterfall, he had refused to turn aside from the track. For the time, he remembered the circumstance merely as an ordinary incident of travel, little knowing what an influence that lonely spot amongst the hills was to exercise upon the destinies of his master and of himself.[1]

Raleigh's return.

Raleigh's reception in England was not what he had a right to expect. Elizabeth still looked coldly upon him, and gave no sign of readiness to forward the enterprise upon which he had set his heart. Sober men, who would have given him an enthusiastic welcome if he had sailed into Plymouth Sound followed by a long train of Spanish prizes, shook their heads dubiously when they saw that he had returned empty-handed, and came to the conclusion that the story of the golden empire was a mere fabrication, as baseless as the wonderful tales about the armies composed of female warriors, or about the men with heads beneath their shoulders which Raleigh had found floating amongst the Indian tribes. Far more galling were the charges which were circulated in secret by his enemies. Some said that he had been hiding in Cornwall, and had never crossed the Atlantic at all. Others declared that he had gone as far as the coast of Africa, and had there bought the pieces of gold which he exhibited. After this, it was easy to say that his specimens were not gold at all, but only pieces of some glittering mineral of no use to anyone.

[1] *Discovery of Guiana*, 98.

Raleigh's reply to these calumnies was the publication of the whole history of the voyage from which he had just returned.

Publication of the discovery of Guiana.

In other works he may have displayed higher genius, and in other achievements he may have approached more nearly to success; but whenever his character is called in question, it is to this little book that a hearing should first be given. To Raleigh, the man of action, the discovery and conquest of Guiana was what the New Atlantis was to Bacon, the man of thought. It shows not so much what he was as what he would have been.[1] A great idea had taken possession of him, and, in order to carry it out, he had spurned every ordinary means of enriching himself. It was an idea which was to haunt him through good fortune and through evil fortune, till it brought him to his grave. He was now looking forward to returning to Guiana under the Queen's authority, that he might establish amongst those simple tribes the empire of which he hoped to be the founder.

If Raleigh could have contented himself with merely literary success, the reception which was accorded to his book would have been sufficient to gladden his heart. In two or three years it went through at least two editions in England, at a time when second editions were far rarer than they are at present. It was not long before it was translated into almost every language of cultivated Europe. From the banks of the Clyde to the banks of the Danube, men were able to amuse themselves in the winter evenings with the stories about the strange peoples who lived on the shores of the Orinoco; and opened their eyes in wonder as they read of the Amazonian warriors, of the men who scarcely bore a human shape, and, above all, of the golden monarch of the golden city beside the lake of Parima. But, as as far as any practical result was concerned, the book fell flat upon the world. Amongst the thousands who amused themselves over its pages, it was difficult to find one who would make any sacrifice, however slight, to help on the realisation of Raleigh's dream.[2]

[1] "A man's ideal," says Mr. Spedding, "though not necessarily a description of what he is, is almost always a description of what he would be." Preface to the New Atlantis, *Bacon's Philosophical Works*, iii. 122.

[2] *Discovery of Guiana*, Introd. 55.

Still, though the nation and the Queen looked coldly on, there were a few who were ready to trust him once more. The aged Burghley gave him 50*l.* towards the expenses of another voyage, and Sir Robert Cecil risked a new ship, the mere hull of which cost 800*l.* But Raleigh could not leave England. The Queen needed his services nearer home. He had tried in vain to interest her in Guiana. Whilst Raleigh was thinking of El Dorado, Elizabeth was thinking of the great Spanish fleet lying in Cadiz harbour. In obedience to her, he turned aside to Cadiz, from whence he returned after having achieved, in co-operation with the sailors of the Dutch Republic, the most glorious victory which had for centuries been won by English arms upon the Continent.

1596. The expedition to Cadiz.

But if Raleigh could not go to Guiana, at least he could send Keymis. His faithful follower sailed in the February after his return. In the Essequibo he heard fresh rumours of Manoa, and was told of a new route by which it might be approached; but the news from the Orinoco was disheartening. The rivalry which always existed between the Spanish governors of the various towns along the coast had broken out into a flame. Berreo had been assaulted by the combined forces of his countrymen from Cumana and Margarita. He had been overmatched, and had fled up the river towards his old settlement on the Caroni. Even there he had been in danger, but had been relieved by the news of the arrival of the long-expected reinforcements from Spain. As, however, there was likely to be some little delay before the Spanish vessels made their way up the Orinoco, Keymis determined to profit by the opportunity, and to revisit the spot at the mouth of the Caroni, where the specimens of ore had been picked up the year before. On his arrival he found that Topiawari was dead, and that the friendly Indians had been won over by the Spaniards, or had been terrified into submission. All attempts to reach the Caroni were in vain, as Berreo had posted his handful of men in a position which could not be attacked with any prospect of success.

Voyage of Keymis to Guiana.

Keymis, therefore, dropped down the river in search of the

Indian guide who had accompanied him in the preceding year, and who had pointed out, as he supposed, a spot from which a view of a waterfall was to be obtained. The man was not to be found, and inquiry soon convinced Keymis that the natives were completely cowed, and could not be expected to join in an attack upon their conquerors. But before he left the district his Indian pilot directed his attention to the very spot on the mountain's side where he imagined the waterfall to be. On inquiry, he learned to his astonishment that he had misunderstood the signs of his last year's companion, and that he had missed the opportunity of visiting what all the natives present concurred in describing as a gold mine of exceeding richness. He did not consider himself justified in making the attempt with the small force at his disposal; but he marked the spot, and he kept the information which he had acquired for Raleigh's use.[1]

He again hears of the gold-mine.

In the midst of the employments which were now coming thickly upon him, Raleigh did not forget his darling scheme. He had not been many weeks in England, after his return from Cadiz, before he commenced fitting out another vessel which he despatched to Guiana under the command of Berry. Berry struck the coast at a point farther to the east than Keymis had done. He seems to have been deterred, by the representations of the natives, from proceeding farther than the mouth of the Oyapok, and he returned without making any attempt to penetrate to El Dorado.[2]

Berry's voyage.

Here, for a time, Raleigh's active participation in the Guiana voyages ceased. Leigh and Harcourt, who attempted colonisation early in the reign of James, confined their attention to the more easterly part of the coast, where there were no Spaniards to interfere with them; and, in the charter by which James gave his authority to their proceedings, the western boundary of their intended settlement was fixed at the Essequibo.[3] But if Raleigh sent no more vessels to the Orinoco, he did not forget the Indians

1603. Explorations of Leigh and Harcourt.

[1] Keymis, *A Relation of the Second Voyage to Guiana.*

[2] *Hakluyt*, iii. 692.

[3] Grant, Aug. 28, 1603. *S. P. Grant Book*, 126.

who had received him with so hearty a welcome, and whenever he heard of a ship bound for Guiana he took care to charge the commander with kindly messages for his old friends.

Nor was the great white chief forgotten in the West. Leigh's companions had to tell how an Indian had come all the way from the Orinoco to inquire after Raleigh, and to know when his promise to return was likely to be fulfilled. Harcourt reported that Leonard, who had been with Raleigh in England, bore him great affection, and that he loved the English nation with all his heart.[1]

Evil days came upon Raleigh.[2] As he lay in the Tower he

[1] *Purchas*, iv. 1264, 1270.

[2] I have seen many of Aremberg's despatches at Simancas, but the following passages are the only ones in which the names of Raleigh and Cobham occur :—

"Ayer á la tarde, despues de aver despachado mis cartas de 25 desto, me vino á buscar un amigo, el qual me dixo que se murmurava de alguna conspiracion contra la persona del Rey por algunos Señores Yngleses, pero aun no me supo dezir la verdadera rayz, bien que havian ellos depositado algunos aquí (que quiere dezir puesto en manos de algunos Señores en guarda) algunos Señores, cuyos nombres son Milort Drak," *i.e.* Brooke, "Ser Water Rale, hermano menor de Milor Cobham, que le fuéron á sacar de su casa, cosa que tira á mayor. Despues otro me ha confirmado lo mismo, y que son hasta diez personas, quiriendo dezir que havian determinado de tomar al Rey, y prendelle yendo á caza, llevalle preso á un castillo para hazelle trocar la manera de governar, y quitar algunos del consejo, y entre otros Cecil que á esta ora es tan enemigo de Ser Water Ralè, y hombre de grande opinion aquí, como havia sido otra vez amigo en tiempo de la Reyna. . . . Todas estas cosas espero que no servirán poco á V. Alteza, porque [el Rey] conoscerá por ello lo que son rebeldes, y quanto le conviene tener amigos fundados, y de no creer los que le aconsejan de fomentar tal gente y abandonar los verdaderos amigos."—Aremberg to the Archduke Albert, July $\frac{16.}{26.}$

"Por nuevas me ha dicho que anteayer fué presto uno llamado Griffin Marques, que era el principal de una conspiracion hecha contra el Rey moderno de Inglaterra, de la qual eran dos clerigos. . . . Pareceme que son dos conspiraciones differentes, esta y la de Cobham, pero que comunicavan juntos, segun el dicho Idonoit (?) me ha dicho? y que todos dos proceden de discontento que ellos dizen tener del Rey, por no havellos guardado lo que les habe prometido." Aremberg to the Archduke Albert, $\frac{\text{July } 28,}{\text{Aug. } 7,}$ 1603. These extracts seem to leave no reasonable doubt that

turned again, with almost desperate hope, to the Western continent. The report which Keymis had brought of the mine pointed out to him by the Indian took up an abiding place in his imagination. No doubt he had not forgotten his loftier schemes, but he knew well that, to James, gold was a topic which never came amiss, and he saw in the secret of which he believed himself to be possessed, the sure means of recovering his lost position.

Raleigh's imprisonment.

Raleigh accordingly appealed vehemently for help to all whom he could induce to listen to his scheme. Haddington was the first whom he called to his assistance;[1] but Haddington was unable or unwilling to do anything for him. Salisbury,[2] to whom he next betook himself, had perhaps no wish to help in setting such a rival at liberty, and had himself lost too much money in Guiana voyages to be very sanguine of the result. It was not till after the death of the Lord Treasurer[3] that Raleigh again attempted to seize the opportunity afforded by James's resentment at the rejection of his proposal for the hand of the Infanta Anne. Writing to the Lords of the Council, he offered to fit out two vessels at his own expense. He would himself remain as a hostage in the Tower. The expedition should be entrusted to Keymis. If Keymis brought back less than half a ton of gold, he would be content to remain a prisoner for life: if, on the other hand, he brought more, he was immediately to be set at liberty. The Spaniards were not to be attacked, 'except themselves shall begin the war.'

His wish to return to Guiana.

1612. Raleigh proposes to send Keymis.

Aremberg was not cognizant of any plot against James, though he might have had conversations with Cobham on the subject of money to be given for procuring the peace. The only strong evidence, on the other hand, is Beaumont's account (*King's MSS.* 124, fol. 577 b) of Cobham's deposition, and his direct statement that he knew that the King had two compromising letters of Aremberg's in his hands. Unfortunately I was not able to discover any despatch of Aremberg's written after the Winchester trial.

[1] Raleigh to Haddington, 1610; Edwards's *Life of Ralegh*, ii. 392.

[2] Raleigh to Winwood, 1615; *ibid.* ii. 339.

[3] Raleigh to the Lords of the Council, 1612; *ibid.* ii. 337. I accept Mr. Edwards's argument in favour of this date, to which the circumstances noticed above give additional force.

The proposal thus made was rejected. It may be that James was too cautious to consent to an undertaking which would have involved a risk of war with Spain. It may be that the influence of Somerset was thrown into the balance against Raleigh. But at last a gleam of hope appeared: rumours were abroad that Somerset's influence was on the wane. An appeal to Winwood was sure to go straight to the heart of that unbending hater of Spain, and Villiers, now in the hands of the enemies of Somerset and the Spanish faction, willingly gave ear to the pleadings of the captive.[1]

His offer rejected.

1615.

The voices of Winwood and Villiers were not raised in vain. The Queen, too, who in her jealousy of Somerset's influence, had shifted round to the side of those who viewed a Spanish policy with suspicion, threw her weight into the scale of the new favourite. On March 19,[2] 1616, a warrant was issued to the Lieutenant of the

1616. Raleigh's release.

[1] In the Observations on Sanderson's History, we are told that 'Sir William St. John and Sir Edward Villiers procured Sir W. Raleigh's liberty, and had 1500*l.* for their labour, and for 700*l.* more offered him his full pardon and liberty not to go his voyage, if he pleased.' This story has been generally adopted by subsequent writers, some of whom speak of Sir W. St. John as nearly connected in some way with Villiers' family, probably by confusing him with Sir Oliver St. John. From Howel's letter to C. Raleigh it appears that the original story was 'that Sir W. St. John made an overture to him of procuring his pardon for 1500*l.*,' which is a very different thing; 'but whether he could have effected it,' the writer proceeds, 'I doubt a little, when he had come to negotiate really.' Howel, at least, did not think the money had been paid, and I suspect the story originated from some loose talk. In the political situation, no bribery was necessary to gain the ear of Villiers. Sir W. St John appears to have been acting cordially in Raleigh's interest. Sherburn to Carleton, March 23; Chamberlain to Carleton, March 27, 1616; *S. P. Dom.* lxxvi. 100, 111.

[2] The letter of the Privy Council of March 19, is printed by Mr. Edwards (*Life of Ralegh*, i. 563), who has obligingly communicated to me the warrant of the same date from the *Losely MSS.* He has also placed in my hands the warrant upon which he had founded his statement that Raleigh's release had taken place two months previously. It appears, however, that the true date of this is Jan. 30, 1617, and it will be referred to in the proper place.

Tower, authorising him to permit Raleigh to go abroad in the company of a keeper to make preparations for his voyage. At last, therefore, after a confinement of little less than thirteen years, he stepped forth from his prison, with the sentence of death still hanging over his head.

Against his liberation it is impossible to say a word; but that James should have thought of sending him across the ocean to Guiana at a time when he was secretly assuring Sarmiento of his intention to abide by Somerset's policy of the Spanish alliance is truly marvellous. To choose with Bacon or with Digby a broad ground of policy which would have raised him above the contending factions was beyond his capacity. If to intrigue with Sarmiento for the ducats of the Spanish princess was a blunder of which he did not himself recognise the full import, neither did he recognise the full import of his assent to Raleigh's expedition. He was assured by those who favoured it that Raleigh had no intention of attacking Spain, and it can hardly be doubted that the prospect of sharing in the profits of the gold mine blinded him to the risk to himself, as well as to Raleigh, by which the search would be accompanied.

The want of money, which was the probable cause of the facility with which James gave ear to Raleigh's supporters, led him at the same time to come to an understanding with the Dutch on a subject in which the Republic was deeply interested. Brill, Flushing, and Rammekens, the cautionary towns as they were called, which had been pledged by the Dutch to Elizabeth as security for the money which she had lent them at the height of their struggle against Spain, were still occupied by English garrisons, and the States-General were naturally anxious to recover them, especially as it was always possible that, in a moment of disgust, James might give up these precious possessions to the King of Spain. Caron, the Ambassador of the States, had therefore long been pressing James to make some arrangement by which the towns might be surrendered to their rightful owners; but it was not till the end of 1615 that James in any way listened to the proposal. At that time Caron found that his

Treaty for the surrender of the cautionary towns.

request was supported by some members of the Privy Council. James listened to what they had to say, but refused to give a decision on his own responsibility. At his request the whole subject was thoroughly discussed in the Council, and Commissioners were appointed to treat with Caron on the amount to be received. At last, on April 23, 1616, it was agreed that the towns should be surrendered on condition of the payment of 215,000*l.*, of which sum 15,000*l.* was to be made over to the officers of the garrisons, and the rest was to be paid into the Exchequer,[1] and that upon the receipt of this money the debt of the Provinces to England was to be cancelled.

Objections which have been made to the treaty.

Perhaps no treaty which has ever been concluded has received a greater amount of obloquy than this agreement. Few amongst the contemporaries of the men who signed it spoke of it with any degree of favour, and fewer still, amongst the writers who have referred to it in later times, have described it otherwise than as a hard bargain, to which James was compelled by his necessities to submit. Curiously enough, however, although these two classes of critics have been unanimous in the opinions which they have adopted, they have given very different reasons for coming to the same conclusion. It is not difficult to account for this discrepancy. Those who wrote in the seventeenth century shut their eyes to the principles upon which independent nations ought to deal with one another; those who have written in the nineteenth century shut their eyes to the facts of the case which they were discussing.

Those made by contemporaries.

The objections which were made in the Privy Council are probably well represented by a paper which was drawn up for the use of Sir Fulk Greville.[2] The writer was afraid lest the King should sacrifice his honour, lest England should be excluded from the Continent, lest there should be no longer any place where Englishmen could

[1] Reasons by Winwood for giving up the Towns. Undated, 1616. Winwood to Carleton, May 23, *S. P. Hol.*

[2] Reasons against the surrender, written by Sir John Coke for Sir Fulk Greville, April 24, *S. P. Hol.* Danvers to Carleton, April 22, 1616, *S. P. Dom.* lxxxvi. 147.

be trained for a military life, lest France should become too powerful, and, above all, lest the Dutch, when they were relieved from the fear of the English garrisons, should bring scandal upon Protestantism by the encouragement which they gave to heresy and schism. We have learned to estimate such objections as these at their real worth. In the whole paper there is only one point in any way worthy of consideration. The writer doubted the propriety of abandoning the towns, because Flushing and Brill were the keys of the navigation of the Rhine and the Meuse, and without their possession the English merchants might be debarred from trading in the regions watered by those rivers. It must, however, be remembered that neither Flushing nor Brill guarded, as Gibraltar does, the communications with an open sea. They were only valuable so far as they afforded means of retaliation upon the Dutch in case they were inclined to make use of their position on the banks of these rivers at a greater distance from the sea, to hinder English merchandise from passing into the interior. Under such circumstances, it would certainly be better to retain the friendship of the Dutch by an honourable course of policy, than to exasperate them by retaining garrisons in places which they justly regarded as their own.

Those made by later writers.

In modern times it has usually been said,[1] that though James was quite right in surrendering the towns, yet, if he had not been in extreme distress he would have bargained for more money than he actually got. It is no doubt true that he would have made rather a better bargain if he had been able to wait, but it is not true that he was in any way cheated out of what he ought to have received, or that he did not benefit by listening to the overtures of the Dutch. At the time when he agreed to the surrender, the amount owing to him was indeed no less than 600,000*l.*, which was to be paid, as long as the truce lasted, in half-yearly instalments of 20,000*l.* each. If, then, the truce were renewed at its expiration in 1621, he might expect to receive the whole sum by the

[1] Hume has stated the matter with perfect correctness, excepting that he supposed that the King received 250,000*l.*

end of 1630. On the other hand, as the expenses of the garrisons amounted to 26,000*l.* annually, his real gain would be reduced to 210,000*l.*, coming in slowly in the course of fifteen years. It will be seen therefore, that the result of James's bargain was to give him at once rather more than he could ever hope to obtain by slow degrees in the course of a long period. Nor was it at all certain that the advantages which accrued to him by the surrender would not be greater still. It was always possible that the truce might not be renewed, and that, as eventually proved to be the case, the war might break out again. He would then find that, after having rejected 215,000*l.*, he had succeeded before 1621, the year in which the truce was to expire, in obtaining a bare 70,000*l.*, and that there was before him an indefinite prospect of an annual expenditure of 26,000*l.* for the support of the garrisons without any equivalent whatever.[1] Nor was this all. The fortifications of the towns were sadly out of repair, and if James had refused the offers of the Dutch, an immediate outlay would have been necessary, which would have swallowed up some considerable portion of the future payments.

Whilst James was thus carrying out an engagement equally advantageous to himself and to the Dutch Republic, he was brought by his desire to advance the manufactures of England into a dispute which, coming, as it did, so soon after the disagreement with regard to the East India trade and the whale fishery, bid fair, for a moment, permanently to disturb those amicable relations which had hitherto subsisted between the two nations.

1613. The cloth manufactory.

So long ago as in 1613, if not at an earlier time, the attention of the King had been called to the condition of the English cloth trade. The manufacture of cloth was in the seventeenth century as much the leading trade of England as the manufacture of cotton goods has become in our own days. From time to time statutes had been passed for the encouragement of the trade, the object of which had been to secure that the cloth should be dyed and dressed, as

[1] Winwood to Carleton, and Winwood's Reasons, as before quoted.

well as woven, before it left the country. With the greater part of the cloth exported this legislation had been successful. There was, however, one part of the Continent which refused to take any cloths excepting those which were undressed. Whether it was that our mode of preparing the cloth was in reality inferior to that which prevailed in the countries bordering on the Rhine, or that from economical causes the later stages of the manufacture could be more profitably carried on abroad, it was certain that, in the whole domain of the great company of the Merchant Adventurers, which extended from Calais to Hamburg, it was impossible to command a market for cloths which had been dressed and dyed in England. So far had this feeling or prejudice reached, that whenever, in obedience to the interference of the Government or of the Legislature, the merchants consented to carry any such cloths abroad, they found that they were actually unable to sell them for a price even equal to that which was commanded by those upon which no labour had been expended after the first rough process of the manufacture.[1]

1614. Cockaine's proposal accepted by the King.

In spite of these reasons for leaving the trade to take its natural course, there were some persons who, with Alderman Cockaine at their head, pressed the King to make another effort to bring the whole process into the hands of English workmen.[2] Whatever their arguments may have been worth, they succeeded, in 1614, after a hearing before the Privy Council, in inducing James to issue a proclamation in which he declared his wish to throw work into the hands of Englishmen, and expressed his dissatisfaction at the injury which was done to the cloth by the unscrupulous treatment which it met with in the hands of the foreign dyers, who were, as he alleged, accustomed to stretch it, in order to make it cover the greatest possible number of

[1] Merchant Adventurers to the Council, April (?), 1606. A Merchant of the Eastland Company to ——, March (?), 1613, *S. P. Dom.* xx. 10; lxxii. 70. The King to Coke and others, Dec. 3, 1613, *Add. MSS.* 14,027, fol. 254.

[2] Reasons of the Merchant Adventurers, with Answers by Cockaine and others, *Lansd. MSS.* 152, fol. 282.

yards. The consequence was that the cloth which had been thus maltreated wore badly, and the blame was thrown upon the English manufacturers. In order to protect the foreign consumer, as well as the English workman, he had determined upon withdrawing all licenses for the exportation of undyed and undressed cloth. The Merchant Adventurers who refused to carry on trade under these disadvantageous restrictions, were ready to abandon their charter, and a new company was to be formed, with Alderman Cockaine at its head. The new association was to be open to all who would give in their names, together with a statement of the amount of money which they intended to embark in the trade during the following three years.[1] In taking this step, James was but acting in accordance with the universal opinion of the day, that it was worth while to sacrifice much in order to keep native industry employed. He was certainly disinterested in the matter, as the old company had offered him an increase of payment if he would allow them to continue the trade on the old footing. As, however, he would not give way, the old company delivered up its charter on February 21, 1615, and Cockaine and his followers had the whole trade, as far as the English Government could help them, in their hands. They soon discovered that it was impossible to fulfil the magnificent promises which they had made, and they were obliged to ask for leave to export undyed cloths as their predecessors had done, on condition of making some beginning in carrying out the trade upon the new principle.[2] After considerable haggling they consented to export six thousand dyed cloths within the year, and twelve and eighteen thousand in the second and third years respectively of their corporative existence.[3] Whatever they sent out of the country beyond this was to be undyed.

1615. The new company.

They had not been many months at work before the Government expressed its dissatisfaction at the manner in which

[1] Proclamation, July 23, 1614. See also the proclamation of Dec. 2, *S. P. Dom.* clxxxvii. 29, 35.

[2] Chamberlain to Carleton, Feb. 23, 1615, *S. P. Dom.* lxxx. 38.

[3] *Council Register*, June 7 and 19, 1615.

they were carrying out their contract, and even had it in contemplation to put an end to the agreement which had been made with them. Accordingly the members of the old company received permission to make proposals for a more effectual method of executing the King's designs.[1] As, however, the meeting persisted in declaring that there was no reason to suppose that trade could be carried on on the terms proposed to them, and refused to do more than to offer to export one thousand cloths by way of an experiment,[2] the negotiation was broken off, and the new company was allowed to proceed with the undertaking.[3]

It was not long before James met with an unexpected check. The intelligence that the English were endeavouring to get into their own hands the dressing and dyeing of the cloth roused the Dutch to resist the change by every means in their power. They declared that if the English would send them nothing but dressed cloths they would refuse to buy them, as they would be able, without difficulty, to establish a manufacture of their own. It was soon seen that these were not mere words. A bounty was offered for every fresh loom which was set up, and, after a few weeks, Carleton reported that, as he went about the country to examine the progress which had been made, his ears were saluted by the busy sound of the shuttle in all directions. It was in vain that James stormed against the ungrateful Dutchmen who were thwarting him in his beneficent intentions, and that he protested that he would not be the first to give way. The Dutch continued to weave their cloth in spite of his pretensions.

1616. Resistance of the Dutch.

Before the English Government had time to take any violent measures against the Dutch, it found itself involved at home in difficulties of its own creation. It was impossible that the disturbance of the course of

Distress in the clothing districts.

[1] Warrant, Feb, 7, 1616, *S. P. Dom.* lxxxvi. 48. Bacon to the King, Aug. 12, 1615, Feb. 25, 1616, *Letters and Life*, v. 178, 256.

[2] Old Company to the Council, May 1616, *S. P. Dom.* lxxx. 110. Endorsed May, 1615, and so calendared by Mrs. Green; but the warrant just quoted shows this to have been a mistake.

[3] Chamberlain to Carleton, March 27, 1616, *Court and Times*, i. 392.

trade should fail to produce injurious effects in the English clothing districts. Even before the Dutch had time to carry out their plan of opposing prohibition by prohibition, a petition came up from Gloucestershire, complaining of the number of hands which had been thrown out of employment by the new regulations. The measures taken by the Government in consequence of this petition were characteristic of the ideas prevalent at the time on such subjects. They sent for the governor of the new company, and asked him why the Gloucestershire clothworkers were out of work. He excused himself by saying that they made bad cloth, for which it was impossible to obtain a sale. The excuse was at once rejected, and he was ordered to summon a meeting of the company, and to tell the members that they were expected to buy any amount of Gloucestershire cloth which might be exposed for sale. If, in spite of this, any clothier should discharge his workmen, he would be duly punished by the Council. Either stimulated by the example of the Gloucestershire clothiers, or urged by the increasing distress resulting from diminished exportation, Worcestershire and Wiltshire soon joined in the cry. Bacon, who had taken a great interest in the King's scheme, now advised that a proclamation should be issued, forbidding any Englishman, during the next six months, to wear any silken stuff which did not contain a mixture of wool. This would give employment to the manufacturers, at the same time that it would show the foreigners that the King had no intention of receding from his purpose.[1]

Bacon's proposals.

Either this last proposal carried interference too far for the cooler heads in the Council, or, as is more probable, the members of the new company themselves were frightened at the difficulties which were before them. They seem to have made demands which the Government refused to concede, and after some months of fruitless negotiation, they sur-

[1] Council to the Justices of the Peace in Gloucestershire, Aug. 2; Council with the King to the Council in London, Aug. 6; Council in London to the Council with the King, Aug. 13 (*S. P. Dom.* lxxxviii. 41, 45, 51); Bacon to the King, Sept. 13, *Letters and Life*, v. 74.

rendered their charter to the Crown.[1] A few months later the old company was restored to its original privileges.[2] James did not, indeed, resign his intention of attempting to change the course of trade, though he found that it was impossible, at the moment, to carry out his designs. Unhappily, his pretensions, which had been so injurious to the individual interests of his subjects, though so thoroughly in accordance with their theoretical principles, had also served to diminish the good understanding which ought always to have prevailed between England and the States.

1617. Restoration of the old company.

During these alternations of friendliness and jealousy towards the Dutch, the arrangements for an alliance with Spain had been steadily progressing. When Digby returned to England in March 1616, after giving James full information on the relations between Somerset and the Spanish Court, he reminded him that as the King of Spain could do nothing without the approval of the Pope, he was not himself able to dispose of his daughter's hand. For this reason, he said, it would be better to seek a German wife for the Prince, as a German husband had been sought for his sister. James was so pleased with the openness and sagacity of the young ambassador that he admitted him to the Privy Council, and conferred upon him the office of Vice-Chamberlain, which would give him constant access to his person.[3]

March, 1616. Digby's advice.

In spite of his hesitations, however, James carried out the engagement which he had made with Sarmiento in January,[4] that he would put an end to the negotiation for a French marriage: In April he made a statement to the Council of the inconveniences of the French alliance. In fact, it was not difficult to make out a case against it. The Princes of the Blood, headed by the Prince of Condé, had taken advantage of the unpopularity

April. The French marriage to be broken off.

[1] *Council Register*, Jan. 9, 1617.

[2] Proclamation, Aug. 12, 1617, *S. P. Dom.* clxxxvii. 50*.

[3] Sarmiento to Philip III., April $\frac{17}{27}$, *Simancas MSS.* 2595, fol. 55.

[4] Sarmiento to Philip III., $\frac{\text{Jan. 22}}{\text{Feb. 1}}$, *Simancas MSS.* 2595, fol. 33.

of the Spanish marriages, and of the well-founded distrust of the Huguenots, to enter upon a rebellion. Either on account of the weakness of the French Government, or because the King had evidently made up his mind, the English Council were unanimous in holding that the French terms were insufficient. Lennox alone appeared to hesitate. It might be, he said, that the French Government had not offered more because it knew that the King was looking in another direction.

James resolved to put the Regent to the test. He would ask her to yield on three points: that, in the case of the decease of the Princess Christina without children, he should not be required to reimburse her portion: that the marriage, though solemnised in France after the forms of the Roman Catholic Church, should be again solemnised in England according to the Protestant ritual; and that the Princess should not be forced to renounce the claims to Navarre and Bearn, which she would have in the improbable case of the decease, without heirs, of her two brothers and her elder sister.

July. Lord Hay's mission.

For the purpose of this mission James selected Lord Hay, who, as a Scotchman, would be welcome in France, and who was sure to perform his part with ostentation, and to attract notice wherever he went. Though he was possessed of the equivocal distinction of knowing how to spend money more rapidly than anyone else in England, he was not without a strong fund of common sense, for which the world has hardly been inclined to give him credit.

For some weeks after Digby's arrival in England, the Courts of London and Madrid were fencing with one another on a point of considerable importance. Before James would consent to discuss the terms of the marriage contract, he wished to have some assurance that the Pope would grant the dispensation, if reasonable concessions were made. Philip, who knew that it was perfectly hopeless to expect the Pope to promise anything of the kind, answered that it would be an insult to His Holiness to ask him to consent to articles which he had never seen. At last James, finding

James's hesitation.

that on this point the Spaniards were immovable, relinquished his demands.[1]

Modification of the articles.

It is true that before Digby left Spain he had obtained from Lerma some modification of the original articles. The stipulation that the children should be baptized as Catholics was withdrawn. The condition that the servants should be exclusively Catholics was exchanged for an engagement that they should be nominated by the King of Spain. The question of the education of the children, and the question of the boon to be granted to the English Catholics, were allowed to drop out of sight for the present.[2] The changes were, however, greater in appearance than in reality, as James was well aware that though he was not called upon to express an immediate opinion on these last subjects, the whole of the religious difficulty would come up again for solution before the final arrangements were made. Even now, therefore, he was not without occasional hesitation. One day he told Sarmiento that there were 'terrible things in the articles,' and suggested that it would be well if they could be reconsidered in England before a special ambassador was sent to discuss them at Madrid. This was not what Sarmiento wanted. He had no wish to be brought into personal collision with James on questions of detail, and with a few well-chosen sentences about the impropriety of asking the lady's representative to argue the conditions of the marriage treaty, he quietly set the whole scheme aside. In giving an account to his master of this conversation, he expressed his opinion that James was desirous of reaping the political advantages of the alliance, but that he would prove to be unwilling to make the required concessions to the Catholics.[3] Yet, whatever his future prospects might be, Sarmiento knew that, for the present at

Continued embarrassment of James.

[1] *Francisco de Jesus*, 13; Sarmiento to Philip III., May $\frac{10, \text{ May } 31,}{20, \text{ June } 10,}$ *Simancas MSS.* 2595, fol. 81, 99.

[2] The articles are amongst the *S. P. Spain*, and are, with a few verbal differences, the same as the twenty articles in Prynne's *Hidden Works*, 4.

[3] *Francisco de Jesus*, 15; Minutes of Sarmiento's despatches, $\frac{\text{Aug. } 23.}{\text{Sept. } 2,}$ Sept. $\frac{20,}{30,}$ *Simancas MSS.* Est. 2850, 2518, fol. 20.

least, James was in his net. It would not be long before the negotiations were formally opened at Madrid.

Hay's want of money.

At the outset of his mission, Hay met with an obstacle of which many an ambassador had complained before. If he was to enter Paris with the magnificence which he thought fitting for the occasion, he must have money; and, as usual, the Exchequer had none to spare. The device resorted to was in the highest degree disgraceful. An idea had already been canvassed from time to time, that it might be possible to raise money by the sale of peerages. The precedent of the baronetages was sure, sooner or later, to turn the thoughts of the needy King in that direction; but as yet he had held back from such a desecration of the prerogative. It would be impossible to disguise the transaction under the pretence that the honour was granted for services rendered. It would make the grant of the highest dignity which it was in the power of the Crown to bestow a mere matter of bargain and sale. Yet to this it was necessary to come. There were many gentlemen who were ready to pay the required sum. One of those selected was Sir John Roper; the other was Sir John Holles. They paid 10,000*l.* apiece, and were, as a recompense, decorated with the titles of Lord Teynham and Lord Houghton. The sum paid by the first of the new barons was handed over to Hay. Half of Lord Houghton's money was taken possession of by the King; the other half went to Winwood, who was promised 5,000*l.* more when the next baron was made. No doubt Winwood had worked hard for many years with little reward; but it speaks volumes for the corrupt atmosphere of James's Court that a man of Winwood's integrity should have condescended to accept payment from such a source.[1]

Sale of peerages.

Hay's entry into Paris.

As soon as he had thus acquired the money which was necessary to enable him to leave England, Hay started on his journey. His entry into Paris was long talked of by the French as a magnificent exhibition. His train

[1] Chamberlain to Carleton, July 20, 1616 (*Court and Times*, i. 408). Sir J. Holles had been condemned to fine and imprisonment only a few months before, for his proceedings at Weston's execution.

was unusually large, and all his followers were attired in a sumptuous costume, which surpassed all that had ever been seen on such occasions. That his horse was shod with silver shoes, which were intentionally attached so loosely that he dropped them as he passed along the streets, is probably a tale which grew up in the popular imagination; but all accounts agree in speaking of the Ambassador's entry into Paris as astonishing the spectators by the gorgeous spectacle which it presented. It is more important, however, to note the reception which he met with from high and low. The whole populace of Paris cheered him as he passed, and from all ranks of the people he received a greeting which assured him that the English alliance would be welcomed by thousands who were heartily weary of the subservience of the Queen to Spain.

His difficulties.

It is proof of Hay's good sense that he was not intoxicated by his reception. He talked over with Edmondes the instructions which he had received, and sat down to repeat in writing to Winwood the misgivings which he had expressed, before he went away, upon the success of his mission. He felt, he said, that the course which he was directed to take could end in nothing but failure. The negotiations would be broken off, and the fault would be laid upon James.[1] If Winwood had been left to himself he would doubtless have agreed with Hay. But he was obliged to write a despatch ordering him to persevere in the course which had been marked out for him.

Before that despatch arrived in Paris, an event had occurred

[1] "And we must confess we find ourselves extremely troubled how to disguise His Majesty's intentions, so as they may not here plainly discover he hath a desire quite to break off this match, and take advantage thereby to drive that envy upon us which, if they had not yielded to His Majesty's desires, would have lighted heavily upon them from this people, whom we find generally much to desire this alliance might take effect." (Hay and Edmondes to Winwood, July 31, *S. P. France.*) Hay and Edmondes evidently understood that James had determined to break off the match at all hazards. Winwood's reply of the 19th, which still directs them to agree to the match if they can get better terms, was a mere conventional rejoinder, and James was not likely to impart his intentions to Winwood.

which made it still more unlikely that the French Government would give ear to the proposals with which Hay had been charged. Condé, though he had made his submission to the Regent on favourable terms, felt that, for some time, the position which he had attained gave him little more than a nominal dignity, and formed designs against Concini, the Queen's favourite, whose influence was supreme at Court.[1] In the place of the Queen and her dependents, he would have organized a Council, in which the principal parts would have been played by the Princes of the Blood. The Queen saw the danger, and anticipated the blow. Instigated perhaps by the young Richelieu, then first rising into note, she attempted to surprise the heads of the opposite party. As far as Condé was concerned, she was successful in her attempts. The first Prince of the Blood was thrown into prison. His confederates succeeded in making their escape. No popular commotion ensued upon this sudden blow. In spite of the popular language of Condé, it was difficult to persuade the nation that it would be happier by substituting for the Government which had been carried on in the name of the King, a Council principally composed of the Princes of the Blood.

Imprisonment of Condé. Aug. 21.

Five days after the seizure of Condé had taken place, the English ambassadors had an interview with Villeroi and the other principal ministers. Hay, being asked what proposals he had brought from England, gave in a paper which related simply to the grievances of which his master's subjects complained. The Frenchmen were not to be put off the scent in this manner. They asked, at once, what he had to say about the marriage. Hay, according to his instructions, could only answer, that the King of England was dissatisfied with the last reply of the French Government, that he would have broken off the negotiations at once, if he had not been unwilling to do so at a time when France was suffering the miseries of a civil war, and that he was now waiting for new propositions which might be more

Interview of Hay and Edmondes with the French ministers.

[1] Such at least is the explanation derived by Ranke from the despatches of the Venetian Ambassador, *Französische Geschichte*, i. 201.

acceptable. The French ministers said that it was necessary to discuss the old proposals before bringing forward any new ones. James's three demands were then laid before them, and it soon appeared that, on the questions of the repetition of the marriage ceremony, and of the renunciation of the right of succession, neither party would give way to the other.[1] Hay therefore brought the negotiations to a close, and returned to England, whither he was soon followed by Edmondes, who, in reward for his long diplomatic services, was raised to the dignity of a Privy Councillor. James was now free to listen, if he pleased, to the advances of the Spanish ambassador.

Sir Dudley Carleton in Holland.

While James was thus putting an end to the projected French alliance, he was still making unsuccessful attempts to carry into effect the treaty of Xanten. Sir Henry Wotton, who had returned from the Hague weary of his twelvemonth's sojourn amongst the imperturbable Dutchmen, had been once more despatched to an elegant retirement in the more congenial atmosphere of Venice. He was replaced at the Hague by Sir Dudley Carleton, who had long been to the full as eager to escape from Italy as Wotton had been to return there.

As a diplomatist, Carleton takes rank as one of the most prominent members of the school of which Winwood was the acknowledged chief. He had, at one time, acted as secretary to the Earl of Northumberland, and had been involved in his patron's disgrace, being for some time causelessly suspected of some connection with the Gunpowder Plot. As soon as his character was cleared, he succeeded in obtaining the goodwill of the all-powerful Salisbury, and was by his influence appointed, in 1610, to the embassy at Venice. A post of this nature could hardly have satisfied him under any circumstances. He not only longed for the free air of a Protestant country, and was anxious to be less completely cut off from his friends in England, but he took a warm interest in the opposition to Spain, which made him anxious to find another sphere for the exercise of his talents. It was therefore with no small pleasure

[1] Hay and Edmondes to Winwood, Aug. 26, 1616, *S. P. France.*

that he received the news of his appointment to the post which had just been vacated by Wotton.

It was to no purpose that he did his best to obtain the consent of the Dutch to the execution of the treaty of Xanten. Rightly or wrongly, they believed that there was a settled disposition on the part of the Spaniards to make themselves masters of the disputed territories, and that even if the Spanish troops left the country after the withdrawal of their own forces, they would either return under some pretext or another, or the Emperor and the German Catholic League would carry out that which Spinola had been unable to do. Towards the end of the year, Carleton was directed to inform the States [1] that a declaration had been made by the Spanish ambassador in London, that, if the treaty of Xanten were not executed before the end of the ensuing February, his master would consider himself justified in retaining as his own the places occupied by his troops. Even this threat was without effect upon the Dutch, who persisted in looking with distrust upon every proposition emanating from Madrid.

The Dutch decline executing the treaty of Xanten.

Although, however, James was on less cordial terms with Holland and France than had formerly been the case, and although he was on the point of opening negotiations with Spain, it would be a mistake to suppose that he had any intention of turning against his old allies. He was guilty of no such base treachery to the Protestant cause, of which, in word at least, he had constituted himself the Protector. During the very year in which these differences had sprung up, he had been anxiously urging the Duke of Savoy to join the union of the Protestant Princes of Germany in a defensive league which would support him in his resistance to the encroachments of the King of Spain.[2] He wished simply to keep the peace. He saw that the Continental Protestants were alarmed, and that alarm led to irritation. He was constantly afraid of some outbreak of temper or ambition

James has no intention of deserting the Dutch.

[1] Winwood to Carleton, Nov. 13, 1616, *Carleton Letters*, 70.

[2] Wotton to the King, May 22, *S. P. Venice.*

which would set Europe in a blaze. The calm dignity of Spain, and of the Spanish ambassador, imposed upon him. He did not see that the Spanish monarchy was compelled by its interests and traditions to interfere in the affairs of every European state, and that subservience to Spain might easily bring on that very danger which he sought to avoid.

END OF THE SECOND VOLUME.

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